

PENNSYLVANIA ARCHIVES.

SELECTED AND ARRANGED

FROM ORIGINAL DOCUMENTS

IN THE OFFICE OF THE

SECRETARY OF THE COMMONWEALTH,

CONFORMABLY TO ACTS

OF THE

GENERAL ASSEMBLY,

FEBRUARY 15, 1851, & MARCH 1, 1852.

BY

SAMUEL HAZARD.

COMMENCING 1664.

VOLUME I.

PHILADELPHIA;

PRINTED BY JOSEPH SEVERNS & CO.

1852.

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146
P41
1st ser.
vol. 1

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EXTRACT

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IN THE POSSESSION OF THE GOVERNOR

BY THE SECRETARY OF THE COMMONWEALTH

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CONFORMABLE TO THE
GENERAL ASSEMBLY
OF THE COMMONWEALTH
OF PENNSYLVANIA
HARRISBURG
PUBLISHED BY THE
GOVERNMENT
OF THE COMMONWEALTH
OF PENNSYLVANIA
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1892

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EXTRACT

FROM THE
ANNUAL MESSAGE OF THE GOVERNOR,
TRANSMITTED TO THE
SENATE AND HOUSE OF REPRESENTATIVES.

READ JANUARY 8TH, 1851.

My attention has been called to the large body of original papers in the State Department, connected with the colonial and revolutionary history of the State, and their extremely exposed and perishing condition. These records are worth preservation, as containing authentic information of the action of our fathers in the struggle for national existence. In the Capital of Pennsylvania, and with the sympathies of her patriotic people, was independence matured and declared. Her soldiers were most numerous around the standard of the nation, and there were more battle fields on her soil than in the same area elsewhere. Every memorial of those days of devotion and trial should be faithfully preserved. There exists a single copy in manuscript of the minutes of the Revolutionary Executive Council, a document by far too valuable to remain longer within the reach of accident or mutilation. It would be gratifying to a large body of our constituents if the Assembly would authorize the employment of a competent gentleman to select and arrange for publication these memorials of an interesting epoch in the history of the Commonwealth.

REPORT OF THE SELECT COMMITTEE OF THE SENATE.

Mr. H. A. Muhlenberg, from the Select Committee to which was referred so much of the annual message of the Governor as recommends the publication of the minutes of the Proprietary Government of Pennsylvania, and the original records and papers in the Secretary's office, relating to the Colonial and Revolutionary history of this Commonwealth, made a report which was read as follows, viz. :

That they have examined the subject referred to them with that attention which its importance requires, and concur entirely with the

recommendation of the Executive; in support of which and as an explanation of the provisions of the bill accompanying this report, they beg leave to lay the following facts and arguments before the Senate:

The importance of the subject to which the attention of your committee has been directed, can scarcely be exaggerated. In it is involved the decision of the question, whether the history of Pennsylvania shall be preserved and made public, or whether it shall remain liable to all the accidents and risks incident to the preservation of manuscripts, which may at any moment be destroyed, and which the hand of time is slowly, but surely effacing. Should that prove to be the case, the early authentic history of this great State will be irrevocably gone, and our descendants, at some future day, will bitterly execrate the parsimony of their ancestors, who, to spare a trifling expense, which could easily have been borne, have condemned them to remain in ignorance of the authentic history of their native State.

In the official records of a State only, can be found its true history. Historians may have been careless and inexact, they may have been influenced by prejudice, or some preconceived theory, or they may have wilfully perverted the truth of history, and from any of these causes may have arisen opinions most opposite to truth, but which, from constant repetition, have become so indelibly impressed upon the public mind that nothing can remove them. But from all these objections the official records of a country are free. They are, as it were, the daily records of the government, written down at a time when there is no temptation to make false entries, the desire to do which invariably springs from subsequent transactions. They are free from prejudice and the influence of false theories, and from the very necessity of the case, they must be as nearly in accordance with the truth as it is possible for fallible human nature to make them. Hence arises the great value which has at all times been placed upon records such as those now under consideration.

The States of this Union are peculiarly fortunate in this respect, that their history commenced at a period at which the doctrines of public liberty and the rights of the governed had already made such progress, that some form of a representative government was necessary, and that the wishes of the people should, in some degree at least, be consulted. A representative government necessarily implied a record of the transactions of that government; and hence while the early history of most other nations is lost, either from great antiquity, or from the fact that where the will of one man is law, there is no necessity for any record or precedent, the history of the various States of the American Union is preserved in the most authentic of all shapes, the minutes of the acts and transactions of their government made at the time to which they refer. As, therefore, the wisdom and love of liberty of our ancestors have preserved for us the early history of our country, does not a sense of duty to

those who shall succeed us, dictate that the least we can do is to preserve what has been so carefully handed down? And does not the provision in the Constitution under which we live, directing the weekly publication of the acts of the present government, add an additional argument to the view here presented, by showing the importance which has ever been attached by the wisest and best to the publication and *preservation* of the true history of the Commonwealth?

Your committee think that a brief reference to what has been done upon this subject by the governments of other countries and States, will bear them out in the view which they have taken of the importance of the action they recommend. The government of England is at this time engaged in the publication of her original records, commencing with her oldest original paper—the Doomsday-book of William the Conqueror—and many valuable and important discoveries have already been made. The magnitude of this work, covering eight hundred years, filling several hundred printed folio volumes, and estimated to cost over a million sterling, shows the importance of which it is deemed by the enlightened statesmen who projected and continue the publication. The Academy of France, under the direction and at the expense of government, are engaged in a similar undertaking, which will doubtless be as extensive and costly as the work already referred to. The government of the United States, with commendable liberality, has appropriated large sums to the publication of the Journals of Congress during the Revolution, the American State papers, the early diplomatic correspondence of the government, and are now engaged in the publication of the American Annals, a work comprising original papers referring to the revolutionary history of the country, which will prove of immense value to future historians, and will be a proud monument of the great liberality and enlightened views of the National Government. But the United States go no further back than the formation of the confederation; colonial history is the peculiar property of the respective States. Here, however, we are again met with bright examples, which should induce us to emulate the wise, liberal, and patriotic example of our sister States. The States of New York, Massachusetts, New Jersey, Maryland, Virginia, and other members of the Union have commenced the publication of their Colonial and Revolutionary history. The State of Maryland, when engaged in this work, discovered that many portions of her history, originally entire and intact, had been destroyed by time, accident, or carelessness, an irreparable loss, which should teach us to learn wisdom by experience of the misfortunes of others. Our neighboring State of New York, which seems destined to surpass us in all great enterprizes, has made most liberal provision for the preservation, collection, and publication of her early history, sending agents, at great expense, to England and Holland, to examine and extract from the records of those countries, all papers throwing light upon the early history of that

State, copies of which have been made for her use. Other States have taken similar steps, and the expense of one such mission would probably exceed the entire appropriation asked for in the accompanying bill.

Nor are we without similar examples in the prior history of this Commonwealth. In 1752, the legislature of that year directed the publication of the Journals of the House, from 1684 to that time, which owing to the poverty of the colony, and the scarcity of printing materials, had that far remained in manuscript. It was a bold and expensive undertaking for a poor and thinly-populated colony, but it was accomplished, and to the wisdom and liberality of our ancestors, we owe the preservation of these journals, embraced in seven large folio volumes, and now in the State Library. The Colonial Records would doubtless have been published ere this, for the public men of those days had wise and enlightened views, but up to the Revolution they were looked upon in a great measure as State secrets, and their publication would not have been permitted. But the proceedings of the Council of Censors were published by the Legislature at a later period, and surely if, when this State was comparatively poor, it could afford to spend, what were to them large sums, in the preservation and publication of the Acts and Records of Government, it can now afford to expend an infinitely smaller sum, in proportion to resources and population, in carrying on a work of such importance.

In the opinion of the committee, Pennsylvania has lagged behind her sister States in the preservation and publication of the materials for the true history of the United States sufficiently long, and it is now time that she should perform her fair share. In addition to this, the fact should be remembered, that Pennsylvania is one of the oldest States in the Union—that her local history is not the least interesting, and that a proper sense of State pride, as Pennsylvanians, should induce us to make public the struggles and trials of her early settlers, as well as the sacrifices and patriotism of her sons during the Revolutionary contest, the notorious neglect of which, in most of the published histories, should cause the cheek of every true-hearted Pennsylvanian to blush, the more especially as this neglect has been in a great measure caused by the omission of her Legislature to make public and accessible to historians the record evidence of those services.

In conclusion, the Committee desire to say a few words in explanation of the plan which they have adopted in the accompanying bill, for the publication of the records and papers referred to in the Governor's message, and to explain as briefly as possible the value of the said records and papers (to ascertain which a long and laborious search has been necessary, and has been performed,) in doing which, they beg leave to state here, that they think they have adopted the most economical plan possible, so much so, that the annual ap-

propriation will scarcely be felt after the receipts from the sale of the works are deducted.

The plan adopted by the Committee contemplates the publication of two works: 1, the continuation of the Colonial Records, and 2d, the selection of the most valuable of the original papers, and their publication, under the title of "Pennsylvania Annals." Both are to be published by contract, in which way it is believed that the price paid per volume will be very much less than that paid for the Colonial Records heretofore printed, while at the same time a proper fulfilment of the contract is carefully provided for. The edition of each work is directed to be the same as the number fixed in the Act of 1837, to wit: fifteen hundred copies, of which one thousand are to be sold, and five hundred distributed, as provided in the act. The price of the copies to be sold is reduced from one dollar and sixty cents to one dollar, which, in the opinion of the Committee, will ensure their sale, for the volumes of the Colonial Records already published, freely command one dollar and fifty cents per volume, and are not easily procurable even then; and of the immediate sale of the Annals no doubt can be entertained when the contents of those volumes are known. Their general interest throughout the country will be such that all persons will be desirous of possessing a copy. But, in affixing the price, the Committee were anxious to ensure as general a circulation as possible, by putting the works within the reach of all. The Colonial Records, as the Committee are informed, will probably make about eight additional volumes, of which two are directed to be published annually until the whole be completed, and the Annals will be embraced in not more than three volumes of the same size, which are to be published as soon as the selection and preparation is completed. The contract price, from the best information your Committee can procure, is estimated at from twelve to fifteen hundred dollars per volume, so that after deducting the estimated receipts, the nett cost of publication to the Commonwealth will be but a few hundred dollars per volume. For further details of the plan, the Senate is respectfully referred to the Act itself.

Your Committee now beg the indulgence of the Senate while endeavoring to give a brief sketch of the contents of the proposed works.

By the Acts of 4th April, 1837, and 14th April, 1838, the immediate publication of the Colonial Records was directed. Under the authority of those acts three volumes were published, when, owing to the monetary embarrassments of the Commonwealth, the publication was suspended. This, as an act of justice to the creditors of the State, was correct, but as our finances are now in a more flourishing condition than they have been for years, that reason can no longer be advanced. But the cessation of the work at that particular period was unfortunate, for the volumes published were the

least interesting part of the whole series, as owing to the limited size of the infant colony, and the absence of any war or commotion, the whole attention of the government was confined to the domestic affairs of the settlements upon the Delaware. Afterwards, as the reader approaches nearer the French and Indian wars, the whole character of the work changes. It is no longer a dry record of the official proceedings of the Council upon matters of little general interest at this day, but is interspersed with letters from agents and officers, reporting Indian massacres on the frontiers, with the correspondence and requisitions of officers of the British forces, with journals of extensive journeys made through the untrodden wildernesses of the northern and western parts of what are now the State of Pennsylvania, with records of the raising and officering of Colonial regiments, and with minutes of the various Indian councils and treaties, in which the speeches of the chiefs, often highly eloquent, are reported at length. To specify all the contents of the later volumes would be impossible within the limits of this report, but in general it may be said, that with the wider sphere of action the general interest is proportionably increased, and that many matters of the highest local interest, now forgotten, will be again brought to light. The petitions, remonstrances, and sufferings of the early settlers will be there found, and as a matter of curiosity it may be mentioned that the original Indian names of tribes, towns, mountains and rivers, now in many cases forgotten, are there, and there only preserved. In short, your Committee believe that the later volumes of the series will not only prove of general interest, but will be of such historical value, that some knowledge of their contents will be essential to every one professing to be conversant with the history of his native State.

It may also here be said, that the publication of this work would much foster and encourage the spirit of local inquiry now springing up throughout the State, as evidenced by the various county histories already published, and in this manner incidentally much valuable information may be preserved; and the encouragement of objects of this kind has ever been deemed a pleasing duty on the part of all liberal and enlightened governments.

As to the contents of the proposed Pennsylvania Annals, your Committee can scarcely find terms sufficiently strong to express their opinion of the value of those papers. Their other duties did not permit them to examine all the original documents in the Secretary's office, for that would be the labor of months; but many of the bundles were opened and their contents noted. Among the portion connected with the Revolutionary history of the Commonwealth, will be found many original letters from Generals Washington, Wayne, St. Clair, Sterling, Putnam, Arnold, La Fayette, Steuben, and others of the military chieftains of that day, from the Governor and Committees of Safety of New York, Massachusetts, Virginia, and other States, and from distinguished civilians, such as

Franklin, Hancock, Clinton, Adams, and others of the same stamp. These were found in the bundles examined by the Committee; what may still remain in others, no one can tell without examination, for the papers are in such disorder that the endorsements only serve to mislead. Among the Washington letters are two of particular value, one written shortly after the battles of Trenton and Princeton, in which the prompt aid afforded by this State is said to have saved his army, and the other, covering twelve or fourteen pages of foolscap, in relation to the treason of General Arnold, then recently discovered. What seems to be the entire correspondence relative to St. Clair's expedition and defeat, is also among these papers.

Of papers referring to the Colonial and ante-revolutionary history of the Commonwealth, the collection is equally rich and rare. Your Committee found original letters to the Government of Pennsylvania from the great William Pitt, afterwards Earl of Chatham, the Dukes of Argyle and Newcastle, the Earls of Halifax, Loudon, and others, Lord Amherst, Gen. Abercrombie, Gen. Braddock, whose whole correspondence, from his landing to his defeat, seems to be preserved, Governor Shirley, Sir William Pepperel, relative to the capture of Louisburg, General Gage, Sir William Johnston, of Johnston Hall, the Governors Penn, the Governors of adjacent colonies, and many other persons of distinction, which doubtless contain important historical facts. Besides these, there are a large number of letters from officers of the colony, containing facts of more immediate importance to the history of Pennsylvania. Among these may be mentioned numerous letters from Colonels Conrad Weiser, Hugh Mercer (who was killed at Princeton), John and George Armstrong, George Croghan, Major James Burd, and many other officers, containing reports of skirmishes, expeditions, the state of the country, &c., &c. There are also a large number of papers relative to the Connecticut settlers at Wyoming, which controversy forms an interesting and very important portion of our Colonial history. Among the curiosities may be mentioned an autograph letter of Col. George Washington, enclosing the original summons and terms of capitulation in the affair at Fort Mifflin. In addition to all these, there are many journals of expeditions through the wilderness, as early as from 1730 to 1740, either to examine the country purchased, or about to be purchased from the Indians, to inspect the various forts erected to protect the frontiers from Indian incursions, or to make treaties with the Indians. Some of these journeys were so extensive as to reach the Ohio, and others crossed the New York line, and they are filled with highly interesting sketches of the state of the country and manners of the Indian inhabitants.

In short, your Committee are of opinion, that the Pennsylvania Annals will prove one of the most interesting and valuable contributions to historical knowledge which has yet been given to the public, for the remark heretofore made, as to the bundles not examined, is equally applicable to this portion of these papers. But in

their present condition they are useless, and indeed fast perishing, and neither your Committee, nor any officer of government, even if they possessed the necessary qualifications, can consistently with their other duties, find time to examine these papers properly, and report what portion of them should be published. They have, therefore, provided in the bill herewith submitted, for the appointment of a competent person to examine, arrange, and prepare them for publication.

Your Committee would further remark, that although not competent to make a positive assertion to that effect, they are of opinion, from the slight examination they have been able to make, that the great mass of these papers have been hitherto unpublished, and probably scarcely known, a fact which adds very much to their value, and which, if correct, will certainly ensure the rapid sale of the copies authorized to be sold.

The papers themselves your Committee found in the greatest possible state of disorder, as before remarked, the endorsements, where any exist, only serving to mislead. Many of them, too, are fast going to destruction, under the combined influences of age and neglect, so that if any action is to be taken, it must be speedy, for otherwise a few years more will probably seal the fate of a considerable portion, at least. Some, too, have been mutilated, and others, doubtless, carried off. As an instance of the effect of these causes, it may be mentioned, that the paper on which the first volume of laws is written, has actually so far decayed that the volume is illegible. Happily a copy has been preserved.

To prevent the further destruction of these valuable papers as far as possible, your Committee would recommend that the proper committee increase the contingent fund of the Secretary's office, in the next appropriation bill, by such small sum as will be sufficient, after the papers are selected and arranged, to have them bound in a permanent manner. In this way only can the object be accomplished.

In accordance with these views, the Committee begs leave to report the accompanying bill.

REPORT OF THE SELECT COMMITTEE OF THE HOUSE OF REPRESENTATIVES.

Mr. Edward Armstrong, from the Select Committee to whom was referred that portion of the message of the Governor, which invites the attention of the Legislature to the original papers and records connected with our Colonial and Revolutionary history, in the Department of State, and to their exposed and perishing condition; and also, a memorial from the Historical Society of Pennsylvania, upon the same subject, begs leave respectfully to report:

That, in the year 1837, the Legislature, on the joint representation of the American Philosophical Society, and of the Historical

Society of Pennsylvania, directed the publication of the minutes of the Provincial Council, which direction, in the following year, was enlarged so as to authorize their publication to the period of the revolution, and to include other public records and documents; that, accordingly, two volumes appeared in the year 1838, and another volume in the year 1840, which brought the series down to the 23d of January, 1735-6, at which date the undertaking abruptly ceased, to the deep regret of those Pennsylvanians whose knowledge of the contents of these records, as far as they had been published, and of their increasing interest as the work proceeded, were led to believe they formed the chief source of our Provincial history.

Your Committee do not propose to investigate the reasons, if any sufficiently substantial really existed, which for many years have permitted the Legislature to withhold the completion of an undertaking they had so patriotically begun; withheld, too, at the risk of the loss of these invaluable documents, at some sacrifice of State pride, and certainly with a result calculated to render comparatively valueless what they have attempted to accomplish. At a period when the policy of the province began to assume a settled character, and when of all others, save that of the revolution, most likely to interest, do these volumes end.

The past history of States is generally obscure; not so with that of Pennsylvania: for although much has undoubtedly perished, much has been preserved. The cause which led to her establishment; the character of her founder; the struggles of her first inhabitants; the policy of her early legislation: in a word, whether sought to gratify a spirit of curious research, or to aid the graver purpose of the Statesman, the history of the infant settlement, the flourishing province, and the great Commonwealth, is all spread upon our records.

The Legislature of 1851, have now an opportunity of rendering valuable the undertaking of their predecessors, and of redeeming their State from the charge of a neglect of her history.

Another argument for the continuation of the publication of these records, and for bringing the series down to the period of the adoption of the Constitution in 1790, may be found in the fact that the minutes of the Provincial Council have been published only to the year 1736; yet the minutes of the Assembly have been published from the organization of that body, on the 4th of October, 1682, and through all the changes of government to the present time. A circumstance which renders a completion of the minutes of the Council indispensable, in order to derive the proper benefit from the liberality of a Colonial Legislature; for the records of the Assembly cannot be clearly understood or investigated, unless placed by the side of those of the Council; so that if the suggestion of your Committee is carried out, the legislative history of the State will be complete to the present time. In commending the liberality of a Colonial Legislature for the publication of the minutes of the Assembly—

an enterprize for those days far greater than any undertaken since, with reference to the same object—let us commend their foresight too; for whether the originals of the minutes of the Assembly were differently preserved or more exposed than those of the Council, not a fragment of the former is to be discovered in any of the departments. Although it is to be regretted our forefathers did not accomplish what it is now suggested should be done, let us congratulate ourselves that our neglect has not as yet deprived us of the means of completing their unfinished undertaking.

There is a large number of valuable letters, journals, and papers in the department of State, which should be arranged for publication, and afterwards bound, for the sake of the interest attaching to the originals. Among these are orders in Council, and the correspondence between the Governors of the different provinces, indicating the policy of the mother country, and the relations existing between the colonies.

At a later period, we find the correspondence of the Penns, of Pitt, Braddock, Washington, Mercer, Franklin, Clinton, Shirley, Weiser, Spangenberg, John Harris, Elder, Joseph and Edward Shippen, and of other leading men of the last century, throwing much light on the French war, and illustrating the period immediately succeeding it. The department also contains much that relates to the Indians within and beyond our borders; to our different wars and treaties with them, and policy towards them; also, much concerning the early history of the Moravian settlements, of that of the different counties, and of the adventures of the pioneers of civilization. With regard to what is styled the “Wyoming controversy,” a subject of much interest to a large portion of our population, happily only in an historical view, there are many valuable papers.

When the period of the revolution is approached, we will venture to pronounce no State richer in letters and documents connected with that struggle. It is natural to suppose there should be much in the archives of a State which was the centre of operations. Your Committee, however, regret to say that they have learned this portion of the collection, from long exposure, has been much diminished and impaired; and that ancient letters and papers, generally, with all the vigilance that can be exercised, are yearly disappearing from the archives. Of the signatures of the Founder, of the large number once in the department, but one is said to exist.

Humiliating as it is to expose the neglect of which we have been guilty, let us hope a good result; and that State pride may be sufficiently aroused to remove the evil, in a judicious selection (by some competent person) and publication of what remains.

In the course of their examinations, the Committee had occasion to inspect the records in the office of the Surveyor General, and they believe they would not faithfully discharge their duty, if they omitted to report the condition in which they found a large number of

the volumes and other papers belonging to that important department. Many of the volumes are going to pieces for want of a re-binding, and many documents and papers are equally suffering, because not bound. It would be discreditable to the State if this evil were permitted any longer to exist; and your Committee would suggest a small appropriation should be made, to be disposed of under the direction of the Surveyor General, for binding such books and papers as in his opinion may require it.

A regard for the records of the past is a marked trait in the character of the Anglo-Saxon race. And the warm interest our citizens take in all that concerns our State and revolutionary history—an interest continually increasing, and which shows our rights can never be endangered when a disposition is manifested to investigate their origin and progress—would seem to indicate, irrespective of the precarious condition of these papers, the urgency of speedy action.

The expenditure required to complete the publication will, in the opinion of your Committee, be amply returned by the eventual sale; but, if not, your Committee believe it is as much the duty of a State to preserve from perishing the memorials of her history as to carry out any of the great ends of Government.

New York, and other sister States, set us a noble example in their efforts to publish and preserve all that relates to their early history.

Your Committee trust that the Legislature will at once take action on this important subject; and, for the honor of our great Commonwealth, which has so much reason to be proud of her origin and history, rescue from oblivion and perhaps destruction her neglected annals.

And they would, therefore, respectfully recommend the passage of the bill received from the Senate upon the subject of the Colonial Records, with such modifications as their report suggests.

The Committee offer the following resolution, viz:

Resolved, That the Committee be discharged from the further consideration of the subject.

On motion, the said resolution was read the second time, considered and adopted.

AN ACT

Providing for the Publication of the Colonial Records, and other Original Papers in the Office of the Secretary of the Commonwealth.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That the Secretary of the Commonwealth be, and he is hereby authorized and required to continue the printing of the minutes of the Proprietary Government and Council of Safety, down to the adoption of the Constitution, in the year one thousand seven hundred and ninety, from the point at which the third volume of the Colonial Records terminates, in the same shape and style in which the volumes of the Colonial Records, already printed, are published—each volume to contain not less than eight hundred pages, and that the number of copies of each volume shall be fifteen hundred.

SECTION 2. That it shall be the duty of the Secretary of the Commonwealth, immediately after the passage of this act, to invite proposals for the publication of the Records aforesaid, giving public notice for at least one month, in two papers published in Philadelphia, Pittsburg, and Harrisburg, which proposals shall state the price per volume, and shall include the faithful and literal transcribing of the records aforesaid, under the superintendence of the Secretary, the publication and binding in a manner uniform with, and not inferior to the volumes of the Colonial Records already published, finding all material, and the delivering of them to the Secretary of the Commonwealth; which proposals shall be opened at the time appointed by the Secretary, in the presence of the Governor, Auditor General, and State Treasurer, who shall then, with the Secretary proceed to allot the contract to the lowest and best responsible bidder: *Provided*, That before assigning the contract as aforesaid, the successful bidder shall enter into bond to the Commonwealth, with two or more sufficient sureties, in the sum of ten thousand dollars, conditioned for the faithful fulfilment of his contract, which bond shall be approved by the Governor before being received.

SECTION 3. That it shall be the duty of the Secretary of the Commonwealth so soon as the entire number of copies of any one volume shall have been delivered into his office, to certify that fact to the Governor, who shall then draw his warrant on the State Treasurer for the amount due the contractor according to the contract, which shall be paid out of any moneys in the treasury not otherwise appropriated: *Provided*, That the Secretary shall not certify as aforesaid, until upon examination he be satisfied that the contract has been carried out in accordance with the true intent and

meaning of this act, and especially that the volume, as published, is a faithful and literal copy of the original.

SECTION 4. That any number not exceeding one thousand out of the fifteen hundred copies of the work directed to be printed, shall be disposed of by subscription, to be opened at the several county treasuries of the Commonwealth at the price of one dollar per volume, the proceeds of which shall be paid into the State Treasury, and be applied to the continuation of the work.

SECTION 5. That two hundred copies of said minutes, when printed and bound, shall be placed in the hands of the Governor, to be by him distributed among learned societies and public libraries in other States of this Union, at his discretion. That five copies shall be presented to the American Philosophical Society, the Historical Society, the Philadelphia Library, the Franklin Institute, and Philadelphia Athenæum, each, and one copy to each of the several colleges and public libraries in the State, one to each member of the present Legislature, and ten copies shall be deposited in the State Library, and one copy in each of the record offices of the Commonwealth.

SECTION 6. That the Governor is hereby authorized and required to appoint some competent person, whose duty it shall be to select for publication such of the original documents, letters, treaties, and other papers prior in date to the peace of one thousand seven hundred and eighty-three, now preserved in the Secretary's office, as may be deemed of sufficient importance to be published; and to arrange them according to date and subject in one or more volumes, not exceeding five of the size of the Colonial Records heretofore printed, which shall be called "Pennsylvania Archives."

SECTION 7. That so soon as the said papers are prepared for publication in such manner as to meet the approval of the Governor and Secretary of the Commonwealth, the Governor shall draw his warrant on the State Treasurer in favour of the person so appointed as aforesaid, for a sum not exceeding one thousand dollars, as a full compensation for the services directed to be performed by this act, which shall be paid out of any moneys in the treasury not otherwise appropriated.

SECTION 8. That it shall be the duty of the Secretary of the Commonwealth, immediately after the Pennsylvania Archives as aforesaid are prepared for publication, to procure the printing of fifteen hundred copies of the entire series immediately in the same manner, and under the same restrictions, as are provided in the second and third sections of this act, in reference to the publication of the Colonial Records.

SECTION 9. That when published, the Pennsylvania Archives shall be distributed in the same manner as is provided in the fourth and fifth sections of this act, in reference to the Colonial Records.

SECTION 10. That so much of any act of Assembly as conflicts,

or is inconsistent with the foregoing provisions of this act, be, and the same is hereby repealed.

JOHN CESSNA,

Speaker of the House of Representatives.

BENJAMIN MATTHIAS.

Speaker of the Senate.

APPROVED—The fifteenth day of February, one thousand eight hundred and fifty-one.

WM. F. JOHNSTON.

In pursuance of the foregoing law, the present Editor was commissioned by Governor Johnston, to undertake the compilation and arrangement of the various documents, on the 19th of February, 1851. Early in March, he entered upon the duty assigned him—and on the 31st day of December, submitted to the Governor his report, which is thus noticed in the annual message of January 5th, 1852.

“An interesting report from the gentleman charged with the arrangement for publication, of the Pennsylvania Archives, accompanies this message. I invite to it, and to these important papers, your favorable action. The supervision of the publication of these papers should be intrusted to the gentleman who has arranged them. The labor performed has greatly exceeded the amount contemplated by the legislature, and hence demands additional compensation.”

The following is the report referred to.

REPORT.

HARRISBURG, *December 31, 1851.*

His Excellency, WM. F. JOHNSTON, Governor of Pennsylvania :

SIR :—Having so far completed the selection and arrangement of the unpublished papers remaining in the office of the Secretary of the Commonwealth, as to render them ready to be placed in the hands of the printers, as soon as the proposals are opened and the decision made as to the successful bidder; allow me to submit to your Excellency the following statement of the progressive steps by which this result has been obtained.

Soon after receiving from your Excellency a commission appointing me, under the law passed at the last session of the Legislature, to the responsible duty of selecting "for publication such of the original documents, letters, treaties, and other papers, prior in date to the peace of 1783, now preserved in the Secretary's office," I repaired in March last to Harrisburg, where, as your Excellency well knows, I have ever since been, constantly and laboriously engaged in their arrangement.

Exposed as these papers have been for many years, to the free examination of all persons who, from curiosity, a desire of information, or in some cases, no doubt, from a more improper motive, have obtained a sight of them, it is not surprising that many are not to be found at this time, nor that they should, in the language of the committee, "be in such disorder that the endorsements serve only to mislead." The first great object, therefore, was to collect and arrange into chronological order, all that remained. This very early led to the discovery of the fact, that very few of the papers relating to the early period of the colony under the government of the original founder, were now to be seen. With the exception of a few rough draughts of letters from him to some of his friends, there will be found an almost entire deficiency of his own correspondence; and the first years of the province are but scantily furnished with materials by others. Whether they remain among the family archives in England, or are now to be found in the cabinets of antiquarians in this country is unknown, excepting that they are occasionally introduced to the light in some newspaper or magazine. These facts exhibit forcibly the wisdom of the late Legislature, in providing, even at this late date, for the preservation of the fragments that do remain.

The next step was, to decide upon such papers as at first sight were evidently unworthy of publication, and which resulted in the rejection of a large mass, some of which, however, may be carefully preserved in some other form.

It was pretty soon discovered, that a considerable number of letters, and other documents were recorded in the bound volumes of minutes and would, of course, appear in the continuation of the "Colonial Records," also provided for by the Legislature, or had already been printed in the three previous volumes. It was conceived, that it was not the intention of the law to reprint them in the "Archives," although the originals should be found among those therein described. This proved a very tedious operation and consumed a month or two of time, owing to the want of proper indices, and the papers often appearing on the records, at considerable distances from where their dates would indicate. The result of this examination was, the suppression of about one thousand papers, thus saving to the State the cost of publishing one or two volumes unnecessarily, or an expenditure of at least \$1,500.

Having thus disposed of a large mass of papers, and read them all sufficiently to ascertain their contents, the next step was to arrange what remained, as supposed to be worthy of publication, reading them again more carefully, and occasionally rejecting some of minor importance. Many of the manuscripts were exceedingly difficult to read, owing to their being, in addition to every variety of handwriting, mere rough draughts of letters, or other documents; while many others were to be admired for the beauty and distinctness of the manuscript.

It may not be improper to say, that in the selection, I have generally preserved those which throw any light upon the history of the times in which they were written; some will, no doubt, strike the reader as being unimportant, but when it is considered that history is made up of facts (and they are important in forming a correct opinion, though they may be apparently trifling,) it is hoped the main object will be kept in view.

Most of the early Indian deeds, for the conveyance of the lands to the proprietaries, have been marked for publication; especially those which do not appear to have been placed on any public record. These, as objects of great interest to every visiter to the department, are daily becoming more illegible, and frequently the signatures, or rather characters becoming extinct, and the strips of parchment on which they are made, sometimes lost. It is extremely desirable to preserve a fac-simile of these curious memorials of the Indian aboriginal owners of the soil, and, as a matter of curiosity, it would add much interest if some cheap lithographs, or wood-cuts, were authorized to be made of their native signatures.

The period during the French and Indian wars, commencing about 1750, will be found well supplied with minute details of massacres, sufferings, &c., which can no where else be met with than in the familiar correspondence made at the moment of alarm, apprehension, and danger of the distressed inhabitants: they also lead to a better understanding of the proceedings of the government at that interesting period.

Though much of the correspondence and other documents of the revolutionary period has either been lost or not yet discovered, a large mass still remains, and fully justifies the remarks made by the committee of the Legislature, respecting their value and interest. In addition to what was before them, a large mass of rough draughts of correspondence of the different councils has been found. It is much to be regretted that some of the autographs of distinguished persons have been removed from the correspondence of this period. After making these deductions, enough remains to show the great sufferings of the army, as well as to furnish full details of some of the most brilliant victories in which the men of our State bore so conspicuous a part; many letters also exist from the commander-in-chief; but two entirely in his own hand-writing; the others having only his own signature. Some plans of fortifications, as well as of the arrangement of the fleets and armies during particular engagements, accompany the accounts of them, which it would be desirable to have lithographed, as affording additional facility to the understanding of the events to which they refer. Of this character is the plan of the actions at Red Bank and Mud Fort, including the English vessels which were blown up. They would cost but little, and add much to the interest of the various official, and other communications, on the subject.

After having nearly reached, as I supposed, the end of my labours, I was accidentally made acquainted with the existence of a mass of old papers in the Auditor's office, which, upon examination, proved to be the papers, or a portion of them, of the Committee and Council of Safety, and letters to them during a very interesting period of the Revolution. These supplied a chasm in the Secretary's Office, and though chiefly rough draughts of letters from them, many circumstances would, without them, have remained unknown or unexplained, and the arduous labours of those bodies been but partially appreciated. Some valuable papers of an earlier date were obtained from the Land Office also. It is highly probable that before the publication reaches this period some others may be found, though great pains have been taken to secure all that are now known to exist.

Having brought together all the papers that have fallen into my hands, I now respectfully submit the result in twenty-five bundles or packages of two hundred to four hundred papers each; they are regularly numbered from one to seven thousand one hundred and thirty-eight. Each paper has an appropriate heading, and as far as number four thousand four hundred and seventy-seven is accompanied by a catalogue serving with the corresponding number, as a guide to the printer, and showing at the same time the general contents of each paper. This, with a more careful revision of them, has been a work requiring much time.

With regard to arrangement—my first idea, before I became acquainted with their situation and character, was to place the papers according to subjects, chronologically, but this plan being so much

interfered with, by the number which would be abstracted by the Colonial Records, I decided to adopt the present entirely chronological arrangement, which, upon the whole, I believe will be found the best one, being that used in the Records, to which the Archives are properly to be considered a companion; and admitting, therefore, of an easy reference by date from one to the other. Some difficulty has been encountered in ascertaining the dates, and even the names of the parties addressed; for it is a remarkable fact that at one period the dates have been omitted pretty generally by the writers; as, however, most of the papers have been clerically endorsed, such dates and address have, in the absence of others, been sometimes adopted; although in many cases they refer only to the time of their reception officially.

It would have been desirable that the two works should be printed simultaneously; but this was impracticable from the fact of not knowing when all the papers suitable for the Archives were in our possession, and the regularity of the series be otherwise interrupted by new discoveries. Another advantage attending the printing of the Records first, will be found in a reference by note to the page of the former, where any action on the papers in the Archives can be referred to. A condensed index to the work would, by a proper classification of subjects, render it more useful, as would also various notes that might be introduced; neither of which can be effected till the work is in progress of printing.

Among the rejected papers are many valuable to individuals; such as military rolls, naturalization of foreigners, marriage licenses, and some others, which, though suitable for this work, should be bound together, properly arranged, and accompanied by an index. They are frequently required for consultation, as in the case of pensioners, &c., but cannot in their present state, be made available, and loss, no doubt, to individuals may sometimes occur from want of the proofs, which these papers might furnish. It is, I understand, the intention of the Legislature to have the originals bound, after being printed, as matters of curiosity, in which the catalogues now accompanying them will be useful.

The law only provides for continuing the Archives to 1783, while the Colonial Records are to be brought down to 1790. I would respectfully suggest that both terminate with 1790. The number of volumes of the Archives is by law limited to five, while the Records are unlimited. How many volumes will contain the Archives it is impossible to say; the probability is that more than five will be required; in which case, should the limit not be extended, the most important part, a portion of the Revolution, would be omitted. The number of volumes ought, therefore, to be regulated by the materials.

I have thus, sir, dwelt minutely, and perhaps tediously on these various matters, to show that though engaged some nine months in this labour, my time has been fully occupied; and hope that I have fulfilled your expectation when you did me the honour to appoint

me to so responsible a trust. The time occupied in this work has probably exceeded the calculations of the committee, when they supposed it would require "months to examine them," and my own estimate of the labour has not been nearer the truth; materials have been constantly accumulating as the work progressed, requiring many alterations and new arrangements which have all added, I trust, to the importance of the work. When the printing of both works shall have been completed, they will furnish very ample materials to the historian for the elucidation of this portion of our history, and reflect great credit upon the State for its liberality in engaging in the undertaking.

Respectfully submitted, by
His Excellency's humble servant,
SAML. HAZARD.

On motion of Messrs. Muhlenberg and Fernon, the Senate resolved to print 2000 copies of the Report in English and 500 in German.

A select committee of five members of the Senate, consisting of Messrs. Muhlenberg, Malone, Guernsey, Crabbe and Evans, and a similar committee of the House of Representatives, Messrs. James, (Warren,) Keller, Wise, Meyers and Read, was appointed to consider the recommendation of the Governor's Message. An Act supplementary to the Act 15th February, 1851, after various amendments, was finally passed, and approved by Governor Bigler on the 1st of March, and is as follows:

AN ACT

Supplementary to an act entitled "An Act providing for the publication of the Colonial Records and other original papers in the office of the Secretary of the Commonwealth," approved February fifteenth, one thousand eight hundred and fifty-one.

Whereas, from the nature of the contents of the Pennsylvania Archives, now ready for publication, it is indispensably necessary to the proper execution of the work that its publication shall be superintended by some accurate and competent person; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Samuel Hazard be, and he is hereby appointed to edit and superintend the publication of the Pennsylvania Archives, authorized to be printed by the act to which this is a supplement.

SECTION 2. That for his services as aforesaid, the said Samuel Hazard shall receive a salary at the rate of fifteen hundred dollars per annum, payable monthly, to commence with the commencement of the work by the contractor: *Provided*, That said salary shall not continue longer than for one year from the commencement of the work.

SECTION 3. That it shall be the duty of the said editor to devote his entire attention to the publication of said archives, to prepare all necessary notes, indices, appendixes, and such other matter as may be necessary and proper, in doing which he shall be authorized to publish such papers of a date later than seventeen hundred and eighty-three as shall, in his judgment, be necessary to a clear and comprehensive view of any transaction commencing before that year.

SECTION 4. That the said editor be, and he is hereby authorized to procure the lithographing of such plans of battles, fortifications, Indian maps, Indian deeds, or other similar papers now existing among said archives as he shall judge necessary to the proper illustration of the said "Pennsylvania Archives," the expense of which shall be paid out of any moneys in the treasury not otherwise appropriated, after being audited and examined in the usual manner.

SECTION 5. That should the number of volumes fixed in the act to which this is a supplement prove insufficient to contain the entire number of papers now selected for publication, it shall be the duty of the Secretary of the Commonwealth to cause such additional volumes as may be necessary to contain the entire collection to be published by the contractor, in the same manner as though no number of volumes had been fixed by the act to which this is a supplement.

SECTION 6. That each member of the present General Assembly,

who would not receive a copy under the act to which this is a supplement, shall be entitled to a copy of the Pennsylvania Archives and Colonial Records.

SECTION 7. That the Secretary of the Commonwealth be authorized to procure the re-publication of the first three volumes of the Colonial Records uniform with the present edition, to be published and distributed according to the provisions of this act and the act to which this is a supplement, and that, in the making of a contract for the publication of the Pennsylvania Archives and first three volumes of the Records, the Secretary of the Commonwealth be directed to provide for the publication of at least one volume per month, and be authorized to take such measures as will ensure the faithful performance of the said contract.

JOHN S. RHEY,
Speaker of the House of Representatives.

JOHN H. WALKER,
Speaker of the Senate.

APPROVED—The first day of March, A. D., one thousand eight hundred and fifty-two.

WM. BIGLER.

Proposals for publication were invited, and the contract for printing awarded. On the 27th of August the bonds of the contractors being filed in the Secretary's office, the Editor, (whose appointment was provided for by the above action,) commenced his labours. Various delays having attended the actual commencement of the printing, the first volume has not appeared till now; after this, it is hoped, the work will progress with all reasonable rapidity.

December, 1852.

ARTICLES BETWEEN DUTCH & ENGLISH, IN NEW YORK, 1664.

These Articles following were consented to by the persons here under subscribed, at the Governours Bowry, August 27, old stile, 1664.

1. We consent that the States General or the West In Company shall freely Enjoy all farmes and houses, (except such as are in the fforts,) and that within six months they shall have ffree liberty to transport all such arms and ammunicon as now do belong to them or else they shall be paid for them.

2. All publick houses shall continue for the uses which now they are for.

3. All people shall still continue free Denizens & enjoy their lands, houses, goods, shippes, wheresoever they are within this Countrey, and dispose of them as they please.

4. If any Inhabitant have a mind to remove himselfe, he shall have a year and six weeks from this day to remove himselfe, wife, children, servants, goods, and to dispose of his Lands here.

5. If any Officer of State or Publick minister of State have a minde to go for England, they shall be transported freight free in his Maties frigotts, when these frigotts shall return thither.

6. It is consented to that any people may freely come from the Netherlands and plant in this Countrey, and that Dutch Vessells may freely come hither, and any of the Dutch may freely Returne home or send any sort of merchandize in Vessells of their Own Countrey.

7. All ships from the Netherlands, or any other place, and goods therein shall be received here and sent hence after the manner which formerly they were before Our comeing hither, for six months next ensuing.

8. The Dutch here shall enjoy the liberty of their Consciences in divine worship and Church discipline.

9. No Dutchman here or Dutch ship here shall upon any occasion be prest to serve in warr against any Nation whatever.

10. That the Townsmen of the Manhattoes shall not have any soldier quartered upon them without being satisfied and paid for them by their Officers, and that at this present if the ffort be not capable of lodging all the soldiers then the Burgomaster by his Officers shall appoint some houses capable to receive them.

11. The Dutch here shall enjoy their own Customs concerning their inheritances.

12. All Publick writings and records which concerne the Inheritances of any people or the reglement of the Church, or poor, or Orphans, shall be carefully kept by those in whose hands now they are, and such writings as particularly concerne the States Genl may at any time be sent to them.

13. No Judgment that hath passed any Judicature here shall be called in question, but if any conceive that he hath not had justice done him, if he apply himselfe to the States Generall the Other party shall be bound to answer for the supposed injury.

14. If any Dutch living here shall at any time desire to travail or traffique into England, or any place, or Plantacon, in obedience to his Matye of England, or with the Indians, he shall have (upon his request to the Governour) he shall have a certificate that he is a free Denizen of this place and liberty to do soe.

15. If it doe appear that there is a publick engagement of debt by the Town of Manhattoes, and a way agreed on for the satisfying of that engagement, it is agreed that the same way proposed shall go on and that the Engagement shall be satisfied.

16. All inferiour Civil Officers and Magistrates shall continue as now they are (if they please) till the customary time of new eleccion and then new ones to be chosen by themselves, provided that such new chosen Magistrates shall take the oath of allegiance to his Majesty of England before they enter upon their office.

17. All differences of contracts and bargains made before that day by any in this country shall be determined according to the manner of the Dutch.

18. If it do appear that the West India Company of Amsterdam do really ow any sumes of money to any person here, it is agreed that recognicon and other duties payable by ships going for the Netherlands be continued for six months longer.

19. The Officers, military and soldiers shall march out with their arms, drums, drums beating and Colours flying and lighted matches, and if any of them will plant, they shall have 50 acres of land set out for them. If any of them will serve any as servants they shall continue with all safety and become free Denizens afterwards.

20. If at any time hereafter the King of Great Brittain and the States Generall of the Netherlands Doe agree that this place and Countrey be re-delivered into the hands of the said State whensoever his Majesty will send his Commands to redeliver it, it shall immediately be done.

21. That the Town of Manhattoes shall chose Deputys and those Deputys shall have free voices in all publick affairs as much as any other Deputys.

22. Those who have any property in any houses in the ffort of Aurania shall (if they please) sleight the fortifications there and then enjoy all their houses as all people doe where there is no fort.

23. If there be any soldiers that will go into Holland, and if the Company of West India in Amsterdam, or any private persons here will transport them into Holland, then they shall have a safe passport from Coll. Richard Nicolls, Deputy Governour, under his royall Highnesse and the other Commissioners, to defend the shippes that shall transport such soldiers and all the goods in them from any sur-

prizall or acts of hostility to be done by any of his Maties Shippes or Subjects.

24. That the Copys of the Kings grant to his Royall Highnesse and the Copy of his Royall Highnesse his Commission to Col. Richard Nicolls, testified by two Commissioners more and M^r Winthrop, to be a true copy, shall be delivered to the Hono^{ble} M^r Stuyvesant, the present Governour, on munday next, by eight of the clock in the morning, at the old milne, and these articles consented to and signed by Coll. Richard Nicolls, Dep. Governour, to his Royall Highnesse, and that within two hours after the ffort and Towne called New Amsterdam, upon the the Isle of Manhattoes, shall be delivered into the hands of the said Coll. Richard Nicolls by the service of such as shall be by him thereunto deputed by his hand and seal.

John D. Decker,

N^{ich} Verleett,

Sam. Megapolensis,

Cornelius Steenwick,

Oloffe Stevens Van Cortlandt,

James Cousseau,

Robert Carr,

Geo. Cartwright,

John Winthrop,

Sam. Willys,

Thomas Clarke,

John Pinchon.

I do consent to the above articles,

RICHARD NICOLLS.

A true Copy.

DAVID JAMISON, Secry.

This was the termination of the Dutch power in New Netherlands, which also included the settlements on the Delaware, and the commencement of the English government over both, for they shortly after took possession of the Delaware, which, with the exception of a short period in 1673, they afterwards held.—*See Hazard's Annals of Penna.*, Vol. i. p. 362—412.

There is in the office of the Secretary a large volume (MSS.) containing copies of the ancient records of New York—officially made in 1786—as well as copies of Connecticut Records, which it is not thought necessary to reprint, as most of them may be found at length in the early vols. of my Register of Penna, or substantially vol. i. of my Annals of Penna. A MSS. copy made by the late Redmond Conyngham from these very papers, is also in the library of the Amer. Philosoph. Society, in Philada. S. H.

GRANT OF LAND, &C. ON DELAWARE, BY COL. RICHARD NICOLLS, 1668.

RICHARD NICOLLS Esq^e Principall Commissioner from his Maj^{tie} In New England Govern^r Generall vnder his Royal Highness James Duke of york and Albany and of all his Territories in America and Commander In Chiefe of all the fforces Employed by his Maj^{tie} to

Reduce the Dutch Nation and all their vsurped Lands and Plantations vnder his Maj^{ties} Obedience.

To all to whome these p^rsentes Shall Come Sendeth Greeting Whereas there is a Certaine Peice or Parcell of Land Scituate lying and being on the West side of Delaware River within the Mill Kill vpon the Hook Commonly Called the Calcoone Hook reaching from the Said Mill Kill to that which is Called by the Indians Mokornipalas Kill Includeing In all the Land lying between the Said two Kills as also Valley or Meadow ground thereunto belonging Con- teyning by Estimation as it lyes alongst the River—about one Eng- lish Mile And there being also in the Said Mill Kill a Certain Little Island near vnto and over against the Said Land known by the Name of Hay Island w^{ch} peice or pcell of Land being heretofore, That is to Say vpon the fourth day of August 1663. Certifyed to be granted vnto Erick Nichelsen Moorty Poulsen Andries Janson and Hendrick Jacobson of whom the first there haveing with theire Right therevnto Itt Since hath been and now is in the Tenure or Occupa- tion of Israell Helm Hendrick Jacobson Olle Koeck & Jan Minster- man—Together with the Valley or Meaddow ground and Island as of Right belonging vnto them.

Now for a Confirmation vnto them the said Israell Helm Hen- drick Jacobsen Olle Koeck and Jan Minsterman in their Possession and Injoyment of the Premises Know yee that by Vertue of the Commission and Authority to me Given I have thought fitt to give & Grant and by these presents doe hereby give Ratifie Confirm & grant vnto y^e said Israell Helm Hendrick Jacobson Olle Koeck & Jan Minsterman their Heirs and Assigns the afore Recited peice or parcell of Land Vallye or Meadow Ground Island and premisses with all and Singuler y^e Appurtinances To have and to Hold the Said peice or parcell of Land Valley or Meadow ground Island and p^rmisses vnto the Said Israell Helm Hendrick Jacobson Ollee Cock and Jan Minsterman their Heirs and Assigns vnto the proper vse and behoof of y^e said Israell Helm Hendrick Jacobson Olle Cock their Heirs and Assigns for Ever Yeilding and paying therefore yearly and Every year vnto his Majesties vse four Bushells of Wheat as a Quitt Rent when it shall be Demanded by Such person or Per- sons In Authority as his Maj^{tie} Shall please to Establish and Em- power In Delaware River and the Parts and Plantation Adjacent Given vnder my hand and Seal att ffort James In New york on the Island of Manhattans the 18th day of June in the 20th year of his Maj^{ties} Raigne Anno Domj: 1668.

RICH: NICOLLS *

The foregoing is a true Copy as Recorded in the Records of Vp- land Court.

WM. MARKHAM

Recorded by Order of the Govern^r: the Day and year above written.

MATHIAS NICOLLS Sen^r

*Gov. Nicholls held this office till succeeded by Col. Francis Lovelace in May 1667. See Annals, p. 370 by both of whom several grants of land are on record.

GRANT OF ISLAND IN DELAWARE RIVER TO PETER COCK, BY GOVERNOR
LOVELACE, 1669.

FRANCIS LOUELACE Esq^e One of the Gentlemen of his Maj^{ties} Hon^{ble} Privy Chamber and Governor Gen^{rl} under his Royall Highness James Duke of Yorke and Albany &c Of all his Territoryes in America. To whome these presents shall come Sendeth Greeting.

WHEREAS There is a Certain Island in Delaware River now in the Tenure and Occupation of Petter Cock, lying and being in a Kill which runnes into the ScholeKill and by Tydes into the maine River Containing by Estimacon aboute Twentyfive Margen or Fivety acres of Improveable Land besydes broken Land, which Said broken Land is bounded by the maine Ryver on the East and by South, By the Scholekill on the North and by East, and by Andries Bonns Kill on the West for the which said Island and premisses the said Petter Cock had heretofore a pattent or Ground Breife from the Dutch Governour Petrus Scuyvesant. Now for a Confirmation unto him the said Petter Cock in his possession and Enjoyment of the p^rmisses KNOW YEE That by Vertue of the Commission and Authority unto me given, I haue Given, Ratified, Confirmed and Granted, and by these presents Doe hereby give, Ratify Confirm and Grant unto Petter Cock his heirs and assignes the Afore Recited Island and p^rmisses with all and Singular the Appurtunances; To HAUE & TO HOLD the Said Island and p^rmisses unto the Said Petter Cock his heirs and assignes for Ever: Yeilding & paying therefore Yearly and every Year unto his Majesties Use One Bushell of Winter Wheat as a Quitt Rent when it Shall be Demanded by Such person or persons in Authority as his Majestie shall please to Establish or Impower in Delaware River and the parts & plantations adjacent. Given under my hand and Sealed with the Seale of the Province at Fort James in New Yorke this first day of October in the 21th Year of his Majesties Reigne Anno Dmni 1669.

FRANCIS LOUELACE

Recorded by Order of the Governour
the Day and Yeare above Written by mee
MATTHIAS NICOLLS Sec^r

DEED FOR LANDS IN WEST JERSEY, 1677.

THIS INDENTURE, made the Seventh of July in the Year of our Lord one thousand six hundred and seventy seven, Between Thomas Hutchinson of Beverley, in the County of York, Yeoman, Thomas Person of Benwerk, Yeoman, Joseph Helmsley of Kelk, Yeoman, George Hutchinson of Sheffield, Distiller, Mahlon Stacey of Dovehouse, Tanner, all in the aforesaid County of York, of the one party, and Edward Taylor G. of Bridge-house, in the aforesaid County, Witnesseth that the said Thomas Hutchinson, Thomas Person, Joseph Helmsley, George Hutchinson, Malon Stacey, for and in Con-

sideration of the sum of Twenty four pounds seven shillings and sixpence, lawful English money in hand paid, the Receipt whereof they hereby acknowledge, By these presents have Granted, Bargained, sold, enfeofed and Confirmed, and doth for themselves, their Heirs and Assigns, Grant, Bargain, Sell and Confirm unto the said Edward Talor, his Heirs and Assigns, one Eight part of propriety in New Jersey, in America; one propriety being one hundred part or share of an undivided Moiety of the said province of West Jersey, purchased by the said Thomas Hutchinson, Thomas Person, George Hutchinson, Joseph Helmsley, Malon Stacey of William Penn, Gawan Lowery, Nicholas Lucas, Edward Billings, as may appear by their Deed, bearing date the Seventeenth of the first month Last, and inroled in the high Court of Chancery, with all Houses, Cottages, Meadows, pastures, Woods, underwoods belonging to the said premises, to have and to hold to the only use and behoof of the said Edward Talor, his Heirs and Assigns for ever; and the said Tho^t Hutchinson, Thomas Person, Joseph Helmsley, George Hutchinson and Mahlon Stacey doth, for themselves, their Heirs and Assigns, Covenant, promise and Grant to with the said Edward Talor, his Heirs and Assigns, and every of them, that it shall and may be lawful to and for the said Edward Talor, his Heirs and Assigns, peaceably and quietly, from time to time henceforth and for ever, to possess and enjoy all and singular the said premises, with the appurtenances above specified according to Law and Equity, with all the Cottages, Mansions, Buildings, pastures, meadows, Woods, underwoods, both in the Town of New Beverley, in the said Provinces, and the Lands adjacent, Clear and freed from all manner and former Bargains, Sales, Grants, Leases, Gifts, States, titles, troubles and Incumbrances whatsoever heretofore had, made and committed, suffered and done by them the said Thomas Hutchinson, Thomas Person, Joseph Helmsley, Geo. Hutchinson and Malon Stacey, their Heirs and Assigns, and that the said Thomas Hutchinson, Thomas Person, Joseph Helmsley, George Hutchinson and Mahlon Stacey, their Heirs and Assigns, if required within Seven Years, shall make such further Assurance or Assurances of the said premises, with the aforesaid Appurtenances, as reasonably as shall be devised by Fine or otherwise to the said Edward Taylor G., his Heirs and Assigns, and at the proper Cost of the said Edward Taylor, his Heirs and Assigns, for their only and proper use and no other, provided always, that the said Thomas Hutchinson, Tho^t Person, Joseph Helmsley, George Hutchinson and Mahlon Stacey, their Heirs and Assigns, be not constrain'd to travel farther than their own Dwelling Houses for the performance of the same; and all these Covenants, Grants, bargains and Sales shall be held firm and Stable by the said Tho^t Hutchinson, Thomas Person, Joseph Helmsley, George Hutchinson, Mahlon Stacey, their Heirs and Assigns, unto the above said Edward Taylor, his Heirs and Assigns, provided the said Edward Taylor G., his Heirs and Assigns pay every year and yearly for ever, the sum of ninepence

a year of Lawful English money, upon the twenty-ninth day of the Seventh month, called September, or within ten days after to the above named Mahlon Stacey, his Heirs and Assigns for ever, and do stand to all Settlements and Divisions, allotments, buttings, boundings, Inclosures, Settlements, pastures, Closes and Commons, according as the said Thomas Hutchinson, Thomas Person, Joseph Helmsley, George Hutchinson, Mahlon Stacey, the Chief Proprietors of this their Division of ten petty Provinces or Shares of New West Jersey, by them, or their Heirs or Assigns, or their Special Commissioners now appointed, or to be appointed by them, or the major part of them, to divide to every man according to Quantity or Quality in performance of all the Settlements and divisions, both belonging to the Town or City of New Beverley, in New Jersey, in America, to divide every man his said Just parcel, both in the Town and part adjacent in the said provinces, and do pay or cause to be paid within two months after demand, all the Lawful Charges and Expences which they themselves or Commissioners shall be at in or about performing the same, or surveying it out, then this Deed stand firm and good, and be of force and Value in the Law, otherwise, to be of none Effect. IN WITNESS whereof the parties have Interchangeably set their Hands and Seals the Day and Year above written.

THO. HUTCHINSON,
GEO. HUTCHINSON,

THO^s. PEARSON,
MAHLON STACYE.

Sealed, sign'd in the presence of us,
WILL^M. MATTHEW,
JONATHAN HUMPHREY,
WILLIAM LEE.

COPIES OF THE SEAEVERALL EYDENCES BY W^{CH}. T^E INHABITANTS CLAI^ME
THEIR SEAEVERALL AND RESPECTIVE PLANTACONS BETWEEN OLDMANS
CREEKE AND SALEM.

By JOHN BERRY, Esq^r, Deputie Gov^rno^r of y^e Province of New-
Cæsaria or New-Jersey, and his Councill.

WEE, John L^d Berkeley, Barron of Stratton, and S^r George Carterett, K^t and Baronett, the absolute L^{ds}. Proprietors of the P^rvince of New Cæsaria or New-Jersey, Have given and granted, and by these p^rsents doe give and grant vnto James Bollen, of the said P^rvince Secretary, A Certain Neck of land, lying and being on the East side of Delaware river, Over against Christany-Creeke, known by the name of Swart-hooke, With all the Vpland, Meadows, Woods, fields, pastures, Marishes, Rivers and rivoletts, together wth all the gains, profits and all other the appurtenances there unto annexed and apperteyning, conteynning as it is to be Surveyed, Butted and bounded by the Survey^r. Gen^l., five hundred and forty acres, English measure. To HAVE AND TO HOLD to him, the s^d Jame s^d Bollen, his heirs, Ex^{trs}., Adm^{trs}., or Assignes for ever, after the man^r of East-Greewich, in free and Common Soc-

cage. YEILDING and paying to the s^d Lords Proprietors, their heirs or assignes, on every 25th day of March, one half-penny, yearly, for every one of ye s^d Acres herein conteyned, the first paym^t whereof to begin in ye yeare of o^r L^d 1675. Given vnd^r ye Seale of ye Province ye 6th day of June, Anno 1673, and in ye 24^h yeare of his Maj^{ties} Reigne Charles ye 2^d, &c.

JO^N. BISHOP,
LAURENCE ANDRESSE,
W^M. PARDON,

JOHN BERRY;
W^M. SAUNDFORD.

By ord of ye Deputy Gov^r and his Councell.

JA. BOLLEN, Secretary.

The said Lands were assigned over to Justa Andross, And by Justa Assigned to Henry Jeans, ye p^rsent Occupant.

CANTWELL AND JOHANNES DEHAES, INDIAN PURCHASE.

WEE, Sospanninek and Wicknaminek, the naturall inhabitants of this Province of New-Jersey, &c., doe declare to have Sold for o^rselves and o^r heirs vnto Mr. Edmund Cantwell & Mr. Johanes Dehaes, o^r Creeke or Kill, called Meg-kerk-sipods, w^{ch} is called in Dutch the land on the South-side of Jeremiah's Kill, as far as the Finns-Creeke along the River; ffor w^{ch} we doe Acknowledge to have rec^d one-halfe Ankor of Drinke, two Match.coates, two Axes, two barrs of Lead, four hand-fulls of powd^r, two knives, some painte; and therefore we doe hereby dissist off the same land, and doe declare that we have no further or future p^rtence on the same. Signed by us this 8th of ffebr, 1673, On the Plantacon of Fopp Johnson-Outhout, in the Pvince of New-Jersey, in Delaware river.

TOSPUMINCK,
WEINAMINK.

Witnesses p^rsent,
PETER JEGOU,
ANTHONY BRYANT,
FOPP OUTHOUT.

CANTWELL & }
Jo: DEHAES. } PROVINCE OF NEW JERSEY.

THESE are to Certifye all whom it may concerne, y^t on the 20th of July, 1672, I did give and Grant unto Cap^{tn}: Edmund Cantwell & Mr. Jo: Dehaes a Tract of Vpland & Meadow or Marish in pporcon, (lying & being on y^e East side of Delaware-river, next adjoining to the Finns land at Pompion-hooke,) conteyning 700 acres, vpon Condition y^t they should purchase y^e same from the Indians and setle it, w^{ch} they having pformed accordingly was to haue a Patent for it; But my absence, being in England, and the coming of y^e Dutch did hinder the Patening of it: Notwithstanding there is an Alteracon

since by my L^d: Berkeleys disposing of his interest to y^e pte of y^e Countrey, yet the s^d: Cantwell & Dehaes ought to enjoy the land as being pperly their own Lott, by pmise from me and the purchassing it from the Indians, paying the L : Quitt-Rent a halfe penny ^{pp} acre, w^{ch} said Tract of land is Butted and bounded as followeth. Beginning at a marked white-Oake standing in a Bay by the Riverside, being a bounded tree of the s^d Finns-land & running wth the s^d Land East-North-East 320 pearches, to a marked Red-Oake standing neare the head of Cantwells-Creeke, and from the s^d Oake wth a lyne drawne paralell wth the Finns head-lyne South-South-East 160 perches, to a marked Red-Oake standing in the said lyne by a Swamp-side & from the s^d Oake wth a lyne drawn East-North-East 160 perches to another marked Oake, & from thence North-North-West 160 pearches, then West-South-West 160 pearches to the s^d Red-Oake at the head of Cantwells-Creek, and from thence wth a lyne drawn North and by West, to a marked Red-Oake standing vpon a pointe at the mouth of the s^d Creeke 320 pearches, and from the s^d Oake down the River to the First bounded Tree; bounding on the West with the River, On the South-West wth the Finns-land, On the North wth Cantwells Creeke conteyning 700 acres of land and a proporcon of Marish thereunto adjoyning. IN WITNESSE whereof I have hereunto set my hand and seale at Elizabeth-Towne y^e 22^d day of 8^{ber}, 1675. PHILLIP CARTERETT.

By the Gov^{rno^r} ord^r,
JAMES BOLLEN, Secretary.

AN ANSWER TO CAP^{lne}: CANTWELL & JO: DEHAES APPLICATION FOR A
PATENT FOR Y^e WITHIN MENTIONED LANDS.

Haueing heard some Rumor y^t my L^d: Berkeley hath disposed of his right to some other psons, y^t it is approued of by the Duke, I forbear to giue a further grant or Patent till the contrary be knowne; But doe Recommend Cap^{lne}. Cantwell & M^r Dehaes Right, to the Justice of Such, whom it may concerne to confirme their title. Given vnd^r my hand in New-Yorke this 22^d day of 7^{ber}, 1676.

ANDROSS.

FOPP OUTHOUT'S PERMITT.

Permission is hereby granted to M^r: Fopp Outhout for to take vp a certaine peice of land for himselfe & his heires, lyeing in the woods Joyning vpon the Marish or Valley haueing on the North-West-Side Pompion-hooke, and streatching on the North-East-side to the Fish-Creeke or Kill, and into the woods as ffarr as the Indians haue mark't the same, wth above s^d peece or peel of land is granted vnto him to take vp, he paying the Indians and Seating the same according to the ord^r of his hono^r the Governo^r Gen^l. for wth a patent shall

be granted him. Given vnd^r my hand in New Castle in Delaware river in the New-Netherlands this 24th of March, 1674.

Subscribed by PETER ALRICKS.

MATH: D. RING, Clerke.

SURVEY.

JUNE, y^e 12th, 1675.

Layd out for ffoep Johnson Outhout a pecl of land called Good-land, lying in New-Cessaria on the Eastern-side of Delaware-river, neare the Finns at Pompion-hooke, Beginning at A marked Hickery-tree by a Marish-side and running from thence for breadth, West 150 pearches to a mark't Oake, And from the said Oake by a lyne drawne North for length bounded wth a Swamp & from the said Oake wth a lyne drawne East 150 pearches to a marked white-Oake, wth a lyne drawne South 300 pearches to the first mark't Hickery-tree, conteyning 300 acres.

By me, HEN: PARKER, Survey^r.

JOHN HENDRICKSON, } Permission is hereby granted vnto John
at One-tree-hooke. } Hendrickson to take vp one peece of land
on the East-side of this River, to begin on the East-side of a Small Creeke or gutt on this side the Single-tree, and North-East along the river to the first Creeke, As well Meadow as wood-land, and streatching South-East into the woods, he paying the Indians and Seating and Improving the same according to the ord^r of the Right hon^{ble} Gov^r: Gen^l: for wth, then a Patent will be granted. ACTUM in New Castle this 28th day of June, 1674.

Signed by PETER ALRICKS.

INDIAN PURCHASE.

KNOW all men by these p^rsents That I, Osawath, Sole Indian own and pprieto^r of Certaine two Necks or points of land, lying and being in this River of Delaware, and on the East-side thereof over ag^t the Boue aboue Verdrick-teige-hooke, the same being called & known (by the Xpians) Singletree, or Enboome, and by the Indians Emaiijens, ffor & in Consideracon of two Match-coates, two Guns, two Kettles, two Axes, two knives, two Hoes, two Looking-glasses, two double hand fulls of powder, two halfe-Anckers of strong-liquors, two halfe Anckers of Strong-beere, two Auls, two barrs of Lead, & two Needles, before the signing and delivery hereof, to me in hand paid by John Hendrickson & Peter Hendrickson, both of Delaware-river, Husbandmen, as also for divers other good and weighty reasons and Consideracons, me, the s^d Osawath, thereunto especially moveing, HAUE given, granted, bargained, sold, assigned, Transported and

made over, and by these p^rsent doe, give, grant, bargain, sell, assigne, Transport and make over vnto them, the s^d John Hendrickson & Peter Hendrickson, their heires and assignes, the above menconed two pcells or necks of land, wth the Marishes therevnto adjoining, The s^d land by these p^rsents sold, lyeth between two Small gutts or Run's, and streatches into the woods as far as the great Swamp or Cripple w^{ch} backs the said two Necks of land ; TO HAVE & TO HOLD the said two pcells or Necks of land, Marishes & p^rmises, wth all and singular the appurtenances, as also all the right, title and interest of him the said Ossawath, the right Indian Owner or Pprietor therein, vnto the s^d John Hendrickson and Peter Hendrickson, their heires and assignes, forever. IN WITNESSE and confirmacon whereof, the s^d Ossawath hath hereunto set his hand and seale, at Vpland, in Delaware river, this 10th day of June, An^o Dom., 1675.

OSSAWATH.

Signed, Sealed & Delivered in y^e p^rsence of
 ISRAELL HELM, Interpreter,
 Jo : DHAES,
 JOHN JOHNSON.

LUCAS PICTOR HIS PERMIT.

WHEREAS M^r Lucas Pictor hath requested my leave for the purchasing of a certaine neck of land (over ag^t Christeen-Kill) from the Indians lyeing and being on the East-side of Delaware-river, wthin this Governmen^t, wth an intent to plant and inhabit the same.

These are therefore to pmit and suffer the said Lucas Pictors, to purchase the said land from the Indians vpon Condition that he shall doe and pforme all such Acts and things as are conteyned in the s^e Pproprietor's Concessions, and be conformable and Obedient to y^e lawes of the s^d Province. GIVEN vnd^r my hand and Seale of y^e Pvince, the 10th day of 7^{ber}, 1668.

PHILLIP CARTERETT.

LUCAS ——— HIS INDIAN PURCHASE.

WEE, Kerpenneming & Mattien-meke, Brothers, together declare and know to have Sold to Lucas Pictors alis Peterson all that Tract or peel of land, that he without hindrance may live upon, lying upon the South Side of Swart-hooke & upon the North side of y^e land of Mattys-Mattsey, & for a good Consideracon of goods. WITNESSE o^r mark.

KORPENNING, his mark.

MATTIEN-MEKE, his mark.

present—ffOPP OUTHOUT.

MICHAEL LECROA'S ASSIGNMENT FROM ISAAC TAYNE.

TO ALL PEOPLE to whom this p^rsent writing shall come, Isaac Tayne alis Lapier of New-Castle, in Delaware, Sendeth Greeting :

KNOW YEE that I, the said Isaac Tayne, for a valuable Consideracon, before the signing and delivery hereof, to me in hand paid by Michaell Lacroa also of Delaware river, whereth I hold and Acknowledge myselfe fully satisfied, contented and paid, And therefore doe by these p^rsents acquit, exonerate and discharge the said Michaell Lacroa for y^e same; Haue Given and granted, bargained sold, enfeoffed, assigned, Transported and made over, and by these presents, doe fully and clearly and absolutely give, grant, bargain, sell, Transport, enfeoffe, assigne, and make over vnto the said Michael Lacroa, Senjo^r, his heires and assignes, the Moiety and equal just halfe part of a Certain parcel or Tract of land and Marish, (That is to say,) the Easter-most halfe lying next vnto the land of fopp Johnson Out-hout, the said land is Scituate, lying and being on the East side of Delaware-river, Opposit to the towne of New-Castle, the whole Tract of land (whereof Michaell Lecroa is to have the halfe) is bounded on the West wth the river, On the East wth a Creeke, w^{ch} divided this land from the land of Fopp Johnson Outhout, on the South-West with another Creeke, w^{ch} divideth this land from the land of Cap^{tn}: Edmund Cantwell & M^r Jo: Dhaes, & on the South-East with the woods, w^{ch} said land was granted to me, the said Isaac Tayne, by Governo^r Phillip Carteret, as by the Grant, vnd^r the hands & seale of the said Carteret, bearing Date the 24th day of June, 1666, and the Indian purchase, bearing date the 20th day of July, 1666, more at large may and doth appeare. TO HAVE AND TO HOLD the moyety or halfe part of all the afores^d Lands and premises wth all and singular the appurtenances; As also all the right, title and interest of me the said Isaac Tayne therein, & to the said Michaell Lecroa, his heires and assignes viz: the sole and pper Use and behoofe of him the said Michaell Lecroa, his heires and assignes forever. And he the s^d Lecroa, his heires and assignes, shall and may, from henceforth for ever, more peaceably & quietly have, hold, occupie possesse & enjoy the said Moyety of land and premises wthout the lett or interruption of him the said Isaac Tayne, or any other pson or psons whatsoever, Clayming by or vnd^r him. IN WITNESSE whereof, the said Isaac Tayne hath herevnto set his hand and seale at, New-Castle, in Delaware, this 15th day of 9^{ber}, in the 28 yeare of his Maj^{ties} Reigne, Ano^o Dom., 1676.

ISAAC TAYNE.

Signed, Sealed & Delivered in y^e p^rsence of

EP: HERMAN,

JO DHAES.

I haue followed the method in the Originall, though in some places Non-sense & false Orthography.

J. N.

AS FOR JEAN PAUL JACQUET, who hath been disposest of Some land on the East-side of Delaware-river, of w^{ch} he was in possession at y^e last coming in of the English Governm^t, he is to be reposest and yo^w are to take ord^r about it, And if Occasion the Command^r is to assist therein.

ANDROSS.

To y^e Command^r & Co^rt, at New-Castle, in Delaware.

THESE may Certify all whom it may concerne, that I, John Colier, Command^r in Delaware, on this day, the 20th of July, 1677, haue in my own pson been wth M^r: Jean Paul Jacquet on the East side of this River, vpon the Land of y^e S^d M^r: Jacquet, commonly called the Steen-hooke, and have put y^e s^d M^r: Jacquet in full and quiet possession of the Said land and premises, according to the above ord^r from the Gov^r. WITNESSE my hand in New-Castle, this 20th of July, 1677.

JOHN COLIER.

Noe other grant, permitt or Survey hath appeared to J. N.

By the Governo^r.

WHEREAS, I have rec^d. Several peticons and Complaints from Divers inhabitants on the East-side of Delaware-river, that have been disturbed in the lawfull possession of their lands and tenem^{ts}: there, by reason of Major ffenwick and others. These are to desire and Authorize yo^u, the Justice of the Court at New-Castle, to take care that the said inhabitants be not disturbed in their possession vpon any pretence whatever by the s^d Major Fenwick or others, and if Occasion to make me forthwth acquainted wth y^e same. GIVEN vnd^r my hand, in New-Yorke, this 28th of 8^{ber}, 1678. ANDROSS.

Seaverall inhabitants (Dutchmen) have noe more than this to shew for their lands.

PROCEEDINGS OF A COURT AT SALEM N. J.*

At a Court held at New-Salem, in y^e province of West-Jersey.

Pr ^s ent	{	Fopp Johnson	Edwd. Wade	} Com ^{rs}
		Wm. Penton	Jam ^s Nevill	
		Edwd. Bradway.		

William Gill-Johnson desiring of y^e Court a grant of 100 acres of land lying over ag^t Hance-heers plantacon on the other side Virkins-kill als hogge-Creeke the Court granted the pet^{rs} Request, he Seating the same, according to the Chiefe Proprieto^{rs} Concessions, and pforming all Such Acts and things as shalbe thereby required, and to be subject and Obedient to the lawes of y^e s^d Province, &c.

Seauerall of y^e last mentioned pmits, were granted, but few or none Seated according to ord^r if any are seated; its a Question.

All the foremenconed lyes between Oldmans Creek and Salem Creeke, wth some others who have Nothing to show for their seating. Quit-Rent is all in Arreares.

OBLIGATION OF COUNCILMEN, ELECTED 1681.

WHEREAS, wee whose hands and Seals are hereunto Sett are Chosen by Wm. Markham, (agent to Wm. Penn, Esq, Proprietor of y^e Province of Pennsylvania,) to be of the Councill for y^e s^d province

*There is no date to this—probably prior to 1681. See the preceding documents.—S. H.

doe hereby bind ourselves by our hands & Seales , that wee neither act nor advise, nor Consent, unto any thing that shall not be according to our own Consciences the best for y^e true and well Government of the s^d Province, and Likewise to Keep Secret all y^e votes and acts of us The s^d Councell unless Such as by the General Consent of us are to be Published, Dated at Vpland y^e third day of August, 1681.

ROBERT WADE,
MORGAN DROWT,

The mark of
W W

WM. WOODMAN, sr.
WILLIAM MARRINER,

THOS. FFAIRMAN,
JAMES SANDLENES,
WILL. CLAYTON,
OTTO ERNEST KOCH,
y^e mark L of
LACY COCK.

See Commission from Wm. Penn, to Col. Wm. Markham, in which he is authorized to call this council, in Hazard's Annals of Pennsylvania, vol. 1, p. 504. It is difficult to decypher some of these names.

WM. PENN TO JAMES FRISBIE, &c., 1681.

LONDON, 16 Sept. 1681.

My Friends :

I hope I do not improperly call you so, because in being so, you will extremely befriend yourselves, as well as p^rform an act of duty to y^r king, and Justice to mee. I am equally a stranger to you all, but y^r being represented men of substance and reputation in y^e part of y^e bay, w^{ch} I presume falls wthin my Pattent, I Chose to take this opportunity to begin o^r acquaintance, & by you wth y^e rest of your People on y^r side of my country, & do assure you, and them, that I will be so far from Takeing any advantage to draw great profits to my selfe, that you shall find me and my Governm^t Easy, fair and Just, and as you shall study to be fair & respectfull to mee and my Just interests, I will not be short of giving you all reasonable assurances on my part, y^t I will live kindly and well wth you, & for this you have my word under my hand. I think fitt to Caution you (if within my bounds as I am readdy to believe, but I desire no more than my owne) that none of you pay any more Taxes or assessments by any order or law of Maryland, for if you do, it will be greatly to yo^r own wrong, as well my prejudice, though I am not conscious to my selfe, of such an insufficiency of power here wth my Superiors, as not to be able to whether y^e difficulty if you should ; but y^e opinion I have of y^e Lord Baltimore's providence, as well as Justice, & of yo^r regard to yo^r owne Interests & future good of yo^r posterity makes mee to wave all objections of y^e nature, and to hope that wee shall all do the thing that is just & honest (w^{ch} is always wise) according to o^r respective stations. I have no more to add, but my good wishes for all yo^r happiness, & y^t by y^e help of almighty God, next spring I

shall have some Testimony of my best endeavours to contribute towards itt, as becomes my duty to God, to y^e King, & to their People.

I am

Yo^r Real friend,

WM. PENN.

Pray Salute me to }
all your neighbours. }

The superscription was for James Frisby, Edwd. Jones, August: Harman, Geo. Ouldfeld, Henry Ward, & Henry Johnson att their plantations, Pensylvania.

COPY OF LETTER FROM GOV^R MARKHAM TO L^D BALTIMORE.

MY LORD,

This Morning was my resolution of wayteing on yo^r Lordshipp, but yo^r lordshipp's unkinde Dealeing with our province, after my giving you my answer, under my Hand, why I would not Lay out y^e Lyne of 40 Degrees on Delaware river with y^r lordship, hath prevented me. My Lord, I need not repete what yo^r lordshipp's actions was here, Indeavoring to rayse rebellyon amongst our people. if your Lordshipp will Consider on it, Then you'll beleive it more prudence for me to Stay, in order to quiett their minds, Then leave The province in This Condition: w^{ch} I finde by y^e Consequence of yo^r lordship's actions I am obliged to Doe. if yo^r lordship Takes this as a disappointment, it is nothing but what yo^r L^dsh. hath occasioned. it hath been allwayes my Desire to make an amicable Conclusion of y^e bounds between yo^r Lordship & M^r Penn but finding yo^r lo^dsh: intentions not soe, the premises onhappy falling out.

SALES IN ENGLAND, BY WILLIAM PENN, OF LAND IN PENNA.

The Copy of the order to Philip Ford.

THESE are to Authorize thee to set my name to the List of Purchasers now to be sent away to Thomas Holms, my Surveyor General for that Province. GIVEN under my Hand, this 22^d Day of the 3 m^o, 1682. WM. PENN.

To my Loving Fr^d, THOMAS HOLMS, Surveyor General of Pennsylvania.

Greeting:

These are to Authorize thee to Set out y^e Survey^d Bounds to the Respective purchasers use, according to the last Lists of Purchasers

* This appears from the Indorsement. There is no date or signature—but it was probably 1681 or 1682, before W. Penn arrived, when, it is known, Markham had one or more interviews with Lord Baltimore.

S. H.

Sent by Philip Ford, and by him Signed, according to Authority Given him by me, and for so doing this shall be thy Sufficient Warrant. GIVEN under my hand, this 22^d day of 3 M^o, 1682.

W^m. PENN, [L. s.] & PHILIP FORD.

Copia.

An Account of the Lands in Pennsylvania Granted by William Penn, Esq^r, Chief Proprietary and Governour of that Province, to Several Purchasers within the Kingdom of England, Ireland, and Scotland, &c:

[1.]			
Philip Ford . . .	5,000	John Spencer . . .	125
Thomas Rudyard . . .	2,000	Mark Keywton . . .	125
The Same . . .	2,000	Edward Crow . . .	250
Harbert Springet . . .	1,500	William Bosswell . . .	500
		Edward Simkins . . .	250
	10,500		9,500
[2.]			
James Claypoole . . .	5,000		
John Moore, Joseph Moore . . .	1,000	[4.]	
Sabian Cole, . . .	1,000	Thomas Farnborrow . . .	5,000
Thomas Baker . . .	1,000	Hugh Chamberlaine . . .	5,000
Humphrey South . . .	1,000		10,000
Samuel Jobson . . .	1,000		
	10,000	[5.]	
		Nicholas Moore . . .	10,000
[3.]			
Edward Jefferson . . .	1,500	[6.]	
Thomas Scot . . .	500	William Bowman . . .	5,000
John Goodson . . .	500	Griffith Jones . . .	5,000
John Beckley . . .	250		10,000
Daniel Quare . . .	250		
John Stringfellow . . .	250		
Richard Townsend . . .	250	[7.]	
Caleb Pusey . . .	250	William Kent . . .	1,250
John Hicks . . .	250	Benjamin East . . .	1,250
Edward Blake . . .	250	Charles Bathurst . . .	1,250
William Moore . . .	500	John Toovey . . .	1,250
Henry Sleighton . . .	250	William Philip, Jos. his son	1,250
John Pusey . . .	250	Nathl: Harding 500	} is 1,000
Thomas Virgo . . .	500	W ^m . Carter 500	
Thomas Barbary . . .	250	Francis Harrison 250	} 750
John Alington . . .	250	John Carver . 500	
Richard Jordan . . .	250	John Swift . 500	} 1,000
Samuel Benet . . .	250	&	
Thomas Cobb . . .	250	W ^m . Lawrence 500	9,000
John Tibbey . . .	250		
Elizabeth Shorter . . .	250		
Amos Nicholls . . .	250		
Jn ^o . Barber . . .	250	[8.]	
Jonathan Stanmore . . .	250	*Robert Dimsdale 5,000	} 7,500
		*Hugh Lambert 2,500	

Thomas Rudyard 1,000 }	1,500	Richard Sneed . . .	1,500
Harbert Springet 500 }		John Jones . . .	1,000
William Busel . . .	1,000	Michael Jones . . .	
	<hr/> 10,000		<hr/> 10,000
[9.]		[14.]	
William Markham . . .	5,000	Richard Marsh . . .	5,000
Henry Waddy . . .	750	The Same . . .	5,000
John Day . . .	1,250		<hr/> 10,000
Francis Clumstead . . .	2,500		
William Haige . . .	500		
	<hr/> 10,000	[15.]	
		Thomas Callowhill . . .	5,000
[10.]		The Same . . .	500
George Fox . . .	1,250	Nathaniel Evans . . .	500
Alexander Parker . . .	1,000	Thomas Pagget . . .	500
Robert Lodge . . .	500	Thomas Paschal . . .	500
John Buryeat . . .	500	Joan Dickson . . .	500
Thomas Zachary . . .	500	James Petre . . .	500
James Parks . . .	500	John Jennet . . .	500
Thomas Longhorn . . .	250	Roger Drew . . .	500
Thomas Lawson . . .	250	Edward Erberry . . .	500
Christopher Taylor . . .	5,000	William Lane . . .	500
A. B. . . .	250		<hr/> 10,000
	<hr/> 10,000	[16.]	
		Edward Martindel . . .	1,000
[11.]		Philip Th. Lehnman . . .	1,000
W ^m . Bacon . . .	10,000	Arnold Brown . . .	5,000
[12.]		William Cole . . .	
Nathaniel Allen . . .	2,000	N.	
John Hartt . . .	1,000	N.	
Henry Comley . . .	500	Peter Young . . .	500
William Smith . . .	500	Tho: Bailey . . .	250
James Wallis . . .	1,000	Joel Jelson . . .	250
Richard Coslet . . .	1,000	John Bristow . . .	500
Edmund Benet . . .	1,000	Tho: Priggs . . .	500
William Smith Mariner . . .	1,000	George Keith . . .	500
Margaret Martindel . . .	1,000	A. B. . . .	500
John Love . . .	1,000		<hr/> 10,000
	<hr/> 10,000	[17.]	
[13.]		George Powell . . .	500
Charles Marshall . . .	1,000	John Clare . . .	500
Charles Jones . . .	2,000	John Hill . . .	500
Charles Jones, Junior, . . .		Christopher Forford . . .	500
Robert Vickris . . .	2,000	William Beaks . . .	1,000
Richard Vickris . . .		Samuel Allen . . .	2,000
John Moon . . .	500	Walter King . . .	1,000
William Brown . . .	1,000	John Passons & Abram Hooper . . .	500
Charch Harford . . .	1,000	Thomas Plaiice . . .	250
		Rich ^d . Mills . . .	250

William Alloway	250		[22.]		
Francis Harford	250		Charles Lloyd	}	5,000
John Wall & John Wallis	250		Margt. Davis		5,000
John Coats	1,000		Richard Davis		10,000
Richard Collins	1,250				
	10,000		[23.]		
[18.]			William Jenkins		1,000
George White	2,500		John Poyer		750
John Sansom	}	500	William Mordant		500
John May			John Burge		750
George Green	2,000		John Bevin		750
francis Smith	5,000		William Powell		1,250
	10,000		Lewis Davis		3,000
[19.]			Morris Lenholme		500
John Barber	2,500		Thomas Simons		500
Thomas Rowland	2,500		John Bevin		2,000
Thomas Adams	1,250		Edward Prichard		2,500
John Songhurst	}	1,250			13,500
John Barns			[24.]		
Thomas Banks	1,250		William Bringley		500
William Wade	1,250		Anne Olive		500
	10,000		John Hart		1,000
[20.]			Joseph Richards		500
John Willard	1,250		Joshua Hastings		1,000
Priscilla Sheppard	500		Robert Adams		500
Sarah Barsnet	500		John Harper		500
Israel Branch	500		Richard Hands		1,000
Elizabeth Sims	500		John Hewes		500
Thomas Brown	1,250		William Cecill		250
Walter Martin	500		Edwards Walter		250
Thomas Harriot	2,500		Thomas Serey		500
The Same	2,500		Edward Betrice		2,000
	10,000		Tho: Minchin		500
[21.]			John March		1,000
Tho: Dell	500				10,000
John Penington	1,250		[25.]		
William Penington	1,250		John Ap John	}	5,000
Edward Penington	1,250		John Winn		5,000
Mary Penington	1,250		John Thomas	}	5,000
Thomas Ellwood	500		Evan Jones		10,000
Thomas Cobourn	500				
Alexander Beardsly	500		[26.]		
John Price	500		Ralph Withers		500
William Pardo	1,250		John Bezer		1,000
francis Fincher	1,250		John Clerk		500
	10,000		Isaac Self	}	500
			Edwards Guy		
			Edward Luff		500
			John Luff		

Richard True	500	Edward Jeffries (20 th October, 1681.)	500
Richard True, Junr.,	500	William Isaac (20 march, 1681,)	500
John Brothers	500	Daniel Smith	2,000
Robert Sergel	500	Edward Blardman	1,000
Edward Bezor	500	Edward Bayly	250
Anthony Elton	500	A. B.	1,000
Edward Brown	500		<hr/> 9,000
Daniel Smith	500		
John Harding	500		
John Gibbon	500		
William Smith	1,250		
Samuel Noise	500		
Thomas Sagar & Susannah Baily	500	[29.]	
John Buckley	250	William Lowther	5,000
William Withers	500	Marg ^t . Lowther	5,000
	<hr/> 10,000	John Lowther	5,000
		Charles Lowther	<hr/> 10,000
[27.]		[30.]	
George Andrews	250	William Crispin	5,000
William Sute	500	Silas Crispin	1,000
Francis Smith	500	Benjamin Chambers	1,000
Ann Crawley	500	James Hunt	500
Robert Summers	500	John Chambers	500
Robert Stephens	500	Henry Green	500
Thomas Gerish	500	Peter Bland	500
William Clouds	500	Samuel Fox	1,500
Oliver Cope	500		<hr/> 10,000
Enoch Flower	2,000		
John Retye (9 7 ^{ber} , 1681,)	250		
John Bunts	250	[31.]	
John Kinsman	500	Lawrence Growdon	5,000
W ^m . Hitchcock	500	Joseph Growdon	5,000
W ^m . Bezer	250		<hr/> 10,000
Thomas Hatt	500		
James Hill	500		
Thomas Haywood	250	[32.]	
A. B.	1,250	William Penn, Junr.	10,000
	<hr/> 10,000	Lætitia Penn	<hr/> 10,000
		[33.]	
		Joseph Martin	5,000
		James Lyell	5,000
			<hr/> 10,000
[28.]		[34.]	
John Boy	1,000	George Whitehead	5,000
Jane May	250	William Gibson	5,000
Edward Edwards	250	Richard Webb	1,000
Robert France	250	Leonard Fell	250
Philip Running	250	Richard Richardson	250
William Bayly	500	Nathaniel Bromley	2,000
Henry Bernard	250	John Reynolds	1,000
John Collet	500		
Nathaniel Park	250		
William Neale	250		

William Tanner . . .	500
John Tanner . . .	500
Joseph Tanner . . .	500
Robert Greenway . . .	1,500
francis Bourough . . .	1,000
Edward West . . .	1,000
	<hr/>
	10,500

[35.]

Richard Gunton, Sold to	
Richard Hastlegrove . . .	1,000
Bazilion Foster . . .	1,000
Dugel Garmel . . .	1,650
John West . . .	1,250
Ralph Kinsey . . .	125
Thomas Powell . . .	250
Ralph Ward . . .	125
Philip Alford . . .	125
Samuel Atkinson . . .	125
Gilbert Mace . . .	500
James Boyden . . .	1,000
Richard Wooler . . .	500
Isaac Martin . . .	500
Nehemiah Mitchell . . .	250
francis Dove . . .	500
Edward Samway . . .	500
William Wiggins . . .	500
A. B. . . .	100
	<hr/>

[36.]

The Society of Traders . . .	10,000
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[37.]

The Same Society of Traders . . .	10,000
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[38.]

Thomas Ellwood & ux. . .	1,000
Henry Child . . .	500
Amy & Child . . .	500
	<hr/>
	1,000
Henry Child . . .	500
Thomas Saunders . . .	500
John Kison . . .	500
Richard Heming . . .	250
Robert Jones . . .	500
John Geary . . .	500
Henry Geary . . .	500
John King . . .	1,000
Henry Paxton . . .	500
Henry Palling . . .	1,000
John Martin . . .	500
Richard Baker . . .	1,000
Wm. Ashby . . .	500
Robert Danton . . .	500
Thomas Woolfe . . .	250
	<hr/>

10,500

[39.]

Samuel Carpenter . . .	5,000
Abraham Park . . .	1,250
Rich ^d . Amor & W ^m . Amor . . .	250
W ^m . Bryon & John Wisdom . . .	500
Richard Worrel . . .	500
Robert Knight . . .	2,500
	<hr/>

10,000

[40.]

Thomas Rowland . . .	1,000
Robert Taylor . . .	1,000
William Taylor & Peter Tay-	
lor . . .	1,250
George Glean . . .	125
John Edge . . .	125
Randal Maylin . . .	250
Thomas Vernon . . .	625
Thomas Minshall . . .	625
Robert Vernon . . .	625
Thomas Powell . . .	500
Randall Croxton . . .	250
Allen Robinet . . .	260
Henry Maddock . . .	1,500
James Kennerly . . .	
John Sharpless . . .	1,000
John Neild . . .	250
	<hr/>

10,000

[41.]

Joseph Powell . . .	250
Jane Lownds . . .	150
John Worrell . . .	250
Thomas Cross . . .	250
George Pownell . . .	1,000
Matthew Grange . . .	100
Shadrach Wally . . .	250
John Nickson . . .	500
Shadrach Welch . . .	500
John Clows . . .	1,000
John Peirce . . .	250
William Charley . . .	500
William Bostock . . .	500
Joseph Hall . . .	500
James Duke . . .	250
John Hoskins . . .	250
Thomas Kinsley . . .	250
John Brook . . .	1,000
Charles Pickering . . .	1,000
John Brown . . .	250
Peter Worrel & Joshua Worrel . . .	500
Tho : Buckley & Sam ^l . Buckley . . .	500
	<hr/>

10,000

[42.]		Michael Blunston . . .	500
Thomas Brassey . . .	5,000	Luke Hank . . .	500
John Simcock . . .	5,000	Thomas Whitley . . .	500
		Joshua Fenn . . .	500
	10,000	Edmond Cartlidge . . .	250
		Joseph Potter . . .	250
[43.]		George Wood . . .	1,000
John Alsop . . .	1,000	Thomas Worth . . .	250
Thomas Wooldridge . . .	1,000	John Oldham . . .	250
Josiah Ellis . . .	1,000	Samuel Bradshaw . . .	500
William Yeardley . . .	500		
John Hitchcock & Tho: Barret	875		11,000
Bartholomew Coppock . . .	250		
Joseph Milner & Dan ^l . Milner	250	[49.]	
Richards Crossby . . .	1,000	Solomon Richards . . .	5,000
Joseph Kettlemore . . .	125	Arthur Parrin . . .	
Peter Leicester . . .	120	John Napper . . .	
Bartholomew Coppock . . .	500	John Dennison . . .	1,000
George Simcock . . .	500	Sarah Fuller . . .	
John Simcock . . .	2,875	Elizabeth Lovet . . .	250
	10,000	John Rowland . . .	1,250
		Edward Buckman . . .	300
[44.]		Thomas Buckman . . .	
James Harrison . . .	5,000	Henry Killingbeck . . .	1,000
Cuthbert Hurst . . .	500	John Bish . . .	1,000
Henry Bayly : . . .	1,500	A. B. . . .	200
John Shears . . .	1,000		10,000
Thomas Crosdel . . .	1,000		
Nicholas Wain . . .	1,000		
	10,000	[50.]	
[45.]		James Dilworth . . .	1,000
Robert Turner . . .	5,000	Robert Halgate . . .	250
Joseph Fisher . . .	5,000	John Burchal . . .	500
	10,000	Thomas Morris . . .	500
		Edward West . . .	1,000
[46.]		Daniel Middlecut . . .	400
George Rogers . . .	2,500	John Jones . . .	500
Francis Rogers . . .	2,500	Roger Beck . . .	500
Samuel Claridge . . .	5,000	Richard Hunt . . .	500
	10,000	John Summers . . .	500
		Robert Turner . . .	1,000
		William Lloyd . . .	2,000
		A. B. . . .	350
			10,000
[47.]		[51.]	
Thomas Holms . . .	5,000	William Stanley . . .	5,000
George Shore . . .	5,000	Thomas Philips . . .	1,000
	10,000	Richard Pierce . . .	1,000
		James Craven . . .	1,000
[48.]		Samuel Tavernier . . .	1,000
William Sherlow . . .	5,000	Thomas Pierce . . .	1,000
John Blunston . . .	1,500		10,000

FIRST INDIAN DEED TO WM. PENN, 1682.

THIS INDENTURE, made the fifteenth day of July, in the yeare of o^r Lord, according to English Accompt, one Thousand Six Hundred Eightye Two, Between Idquahon, Ieanottowe, Idquoquequon, Sahoppe for himselfe and Okonikon, Merkekowon Orecton for Nannacussey, Shaurwawghon, Swanpisse, Nahoosey, Tomakhickon, Westkekitt & Tohawsis, Indyan Sachamakers of y^e one pte, And William Penn, Esq^r, Chief Proprieto^r of the Province of Pennsylvania of the other pte: Witnesseth that for and in Consideracon of the sumes and particulers of Goods, merchandizes, and vtensills herein after mentioned and expressed, (That is to say,) Three Hundred and fifty ffathams of Wampam, Twenty white Blankits, Twenty ffathams of Strawd waters, Sixty ffathams of Duffields, Twenty Kettles, fflower whereof large, Twenty Gunns, Twenty Coates, fferty Shirts, fferty payre of Stockings, fferty Howes, fferty Axes, Two Barrells of Powder, Two Hundred Barres of Lead, Two Hundred Knives, Two Hundred small Glasses, Twelve payre of Shooes, fferty Copper Boxes, fferty Tobacco Tonngs, Two small Barrells of Pipes, fferty payre of Sissers, fferty Combes, Twenty fflower pounds of Red Lead, one Hundred Aules, Two handfulls of ffish-hooks, Two handfulls of needles, fferty pounds of Shott, Tenne Bundles of Beads, Tenne small Saws, Twelve drawing knives, fflower anchers of Tobacco, Two anchers of Rumme, Two anchers of Syder, Two anchers of Beere, And Three Hundred Gilders, by the said William Penn, his Agents or Assigns, to the said Indyan Sachamakers, for the use of them and their People, at and before Sealeing and delivery hereof in hand paid and delivered, whereof and wherewith they the said Sachemakers doe hereby acknowledge themselves fully satisfied, Contented and paid. The said Indyan Sachamakers, (parties to these presents,) As well for and on the behalfe of themselves as for and on the behalfe of their Respective Indyans or People for whom they are concerned, Have Granted, Bargained, sold and delivered, And by these presents doe fully, clearley and absolutely Grant, bargayne, sell and deliver vnto the sayd William Penn, his Heirs and Assignes forever, All that or Those Tract or Tracts of Land lyeing and being in the Province of Pennsylvania aforesaid, Beginning at a certaine white oake in the Land now in the tenure of John Wood, and by him called the Gray Stones over against the ffalls of Dellaware River, And soe from thence up by the River side to a corner marked Spruce Tree with the letter P at the ffoot of a mountayne, And from the sayd corner marked Spruce Tree along by the Ledge or ffoot of the mountaines west north west to a Corner white oake, marked with the letter P, standing by the Indyan Path that Leads to an Indyan Towne called Playwickey, and near the head of a Creek called Towsissinck, And from thence westward to the Creek called Neshammonys Creek, And along by the sayd Neshammonyes Creek unto the River Dellaware, alias Makeriskhickon; And soe bounded by the sayd mayne River to the

sayd first mentioned white oake in John Wood's Land; And all those Islands called or knowne by the severall names of Mattinicunk Island, Sepassincks Island, and Orecktons Island, lying or being in the sayd River Dellaware, Togeather alsoe with all and singular Isles, Islands, Rivers, Rivoletts, Creeks, Waters, Ponds, Lakes, Plaines, Hills, Mountaynes, Meadows, Marrishes, Swamps, Trees, Woods, Mynes, mineralls and Appurtennces whatsoever to the sayd Tract or Tracts of Land belonging or in any wise Apperteyning; And the reversion and reversions, Remaindr. and remaindrs. thereof, And all the Estate, Right, Tytle, Interest, vse, pperty, Clayme and demand whatsoever, as well of them the sayd Indyan Sackamakers (Ptyes to these presents) as of all and every other the Indyan Concerned therein or in any pte. or Pcel. thereof. To HAVE AND TO HOLD the sayd Tract or Tracts of Land, Islands, and all and every other the sayd Granted premises, with their and every of their Appurtennces vnto the sayd William Penn, his Heires and Assignes forever, To the only pper vse & behoofe of the sayd William Penn, his Heires and Assignes, forevermore. And the sayd Indyan Sachamakers and their Heires and successors, and every of them, the sayd Tract or Tracts of Land, Islands, and all and every other the sayd Granted pmisses, with their and every of their Appurtennces unto the sayd William Penn, his Heires and Assignes forever, against them the sayd Indyan Sachamakers, their Heirs and successors, and against all and every Indyan and Indyan and their Heires and successors, Clayming or to Clayme, any Right, Tytle or Estate, into or out of the sayd Granted pmisses, or any pte. or pcel. thereof, shall and will warrant and forever defend by these presents; In witness whereof the said Prtyes. to these present Indentures Interchangeably have sett their hands and seales the day and yeare first above written, 1682.

Sealed and Delivered in ye presence of

LASSE COCK,
PIEOWJICOM,
RICH. NOBLE,
THOS. REVELL.

The mark of
✕
KOWYOCKHICKON,
The mark of

✕
ATTOIREHAM,
W^M. MARKHAM,
Deputy Gov^r. to
W^M. PENN, Esq^r.

First day of August, 1682.

Att ye house of Capt. Lasse Cock.

WEE, whose names are underwritten, for our Selves and in name and behalfe of the rest of the within mentioned Shackamachers, in respect of a mistake in the first bargaine betwixt us and the within named Wm. Penn, of the number of tenn gunns more than are mentioned in the within deed when we should then have received, doe now acknowledge the receipt of the saide tenn gunns from the said

Wm. Penn; And whereas in the said deed there is certaine mention made of three hundred and fiftē fathom of Wampum, not expressing the quality thereof, Wee yrfore for our Selves, and in behalfe also do declare the same to be one halfe whyt wampum and the other halfe black wampum; And we, Peperàppamand, Pyterhay and Eytēpamatpetts,* Indian Shachamakers, who were the first owners of ye Land called Soepassincks, & of ye island of ye same name, and who did not formerlie Sign and Seal ye within deed, nor were present when the same was done, doe now by signing and sealling hereof Ratēfie, approve and confirm ye within named deed and the ye partition of ye Lands within mentioned writen and confirm thereof in all ye points, clauses, and articles of ye same, and doe declare our now sealing hereof to be as valid, effectual and sufficient for ye conveyance of ye whole Lands, and of here within named to ye sd. Wm. Penn, his heirs and assigns, for evermore, as if we had their with the other within named Shachamakers signed and sealed in ye same.

The mark of

WM. MARKHAM.

NOMNE SOHAM.*

Sign and Sealed and delivered in pⁿce of us,
REDTHARNVELLEON,*
LASS COCK.

[A Duplicate of this is also in the office without the addition of August 1st, 1682, some portions very indistinct. See Smith's Laws, Vol. II. page 109.]

SIR WM. PETTY TO WM. PENN, 1682.

LONDON, y^e 14 Aug^t, 1682.

OLD FRIEND,

My opinion is that not only Pensilvania but all y^e habitable Land upon the face of y^e Earth, will (within y^e next 1500 years) bee as fully Peopled as England is now, That is to say, That there will be a head for every Four Acres of Land, Whereas in Ireland there are about 10 acres to every head, the medium whereof is 7.

Wherefore, when God sendeth y^u to Pensilvania, I advise yo^u to take a perfect accompt of every Soule within y^e Teritory and Jurisdiction, and then to sett out a peece of Land conteyning 7 times that number in acres, w^{ch} Land ought to bee chosen for its situation, healthfullness and fertility, and to bee defenceable by nature as much as may bee.

It is not likely that in 7 years, that yo^r People will encrease so fast, as to bring yo^r s^d 7 acres to 4 acres pr Head. Wherefore,

* These names are uncertain.

making no alteration in 7 years, I would then again number y^e Inhabitants and add to y^e first parcell such an other parcell as might conteyne 7 times as many acres as was y^e number of Encrease of People, and would consider whether it were best to make this additional parcell contiguous to y^e first, or a new Colony distant from it.

It may be here objected how this method will agree wth y^e Disposure w^{ch} yoⁿ have already made of great Scopes of Land within y^e Territory, for such Scope may bee so sett out, as by this method to have noe People att all, To y^e totall loss of those who purchased from yoⁿ.

To w^{ch} I answer

1. That I would have y^e whole Territory of Pensilvania valued— Suppose at 20ndl., more or lesse, and Suppose yoⁿ have received 8000l. for Shares out of y^e Same, I should then think it reasonable that yo^rSelf should have but $\frac{3}{5}$ th of y^e proffitt of any new Plantation or Colony, and that y^e Purchasers should have y^e other $\frac{2}{5}$ ^{ths} to bee proportionally divided amongst them by Lott or agreement.

My next Consideration is, how to make a proportion between y^e value of y^e Lands and hands, w^{ch} I will suppose, by y^e Example of England, to bee as one to three, that is to say, that y^e Rent of Land peopled as above mentioned, is to bee one quarter part of all that is to be produced or gayned by the said Inhabitants, w^{ch} when yoⁿ can value by Silver, then you may pronounce not onely what y^e Land is locally worth in Comodities, but universally in Silver.

It is to be feared that, If Lands fitt and prepared for Tillage bee worth in England but one-quarter of y^e produce, that in Pensilvania y^e best uncultivated Lands cannot be worth soe much by y^e Labour w^{ch} must be bestowed in makeing them as fitt for use as y^e Lands in England already are.

I also think it not amiss (Supposeing y^e Territory to bee 200 miles square) to conceive it divided into 400 parts or squares of ten miles in y^e side, and thereupon supposing the whole to bee worth 20ndl., and each of y^e said Squares 50l. at a medium, I say, I would have each of y^e s^d Squares valued att more or less than y^e s^d 50l., as y^e hopes of their being planted appears to bee, But so as that y^e whole may amount to y^e just Summe of 20 thousand pounds, & according to this method, with a Lott cast upon it, every one of y^e Purchasers may have his whole scope sett out together where his Lott falleth, and his Lott may fall upon Land w^{ch} may be forthwith Planted, or w^{ch} may not be planted till 500 years hence, or perhaps not till y^e last Century of y^e 1500 years above mentioned.

I conclude with repeating what I mentioned in my former Letter, that by Degrees a perfect Survey may be made of y^e whole Territory, wth Divisions of the same, according to y^e bounds of nature, wth a Description of Animals, Vegetables, and Minerals appearing upon them, for such survey [would give] great light to your plantation and foreign commerce.

I am your faithful friend.

[Printed from the original in "Hazard's Annals," Vol.i. p. 584]

WM. PENN'S CALL OF A COURT AT UPLAND, 1682.

WM. DARVALL, FRANCIS WHITEWELL, }
 J^{NO}. HILLYARD, ROBERT STARR, }
 J^{NO}. BRIGGS, &c., }

Thes are to desire you to meet me at New Castle, next Thursday, (so called,) being y^e 2^d of November, where I shall hold a General Court for the Settlement of the Jurisdiction of thes & your parts, & in so doing you will oblige.

Your Loving

Friend,

WM. PENN.*

upland, 29th 8ber, 1682.

iff there be any persons of note, or other, y^t desire to come, they may freely do it, and this pray signify.

W P.

THOMAS CULPEPPER TO WM. PENN, 1682.

GREEN SPRINGE, 23 Decemb., 1682.

S^R.

It hath been represented to me by the bearer hereof—Col^o. Edward Hill, of this Country—that Having placed one Dare, Master of His shippe the Edward & Anna, for a voyage to the Barbadoes, with orders to returne hither again, He hath, contrary Hereunto and the trust reposed in him, run away with Her into your country, where upon fraudulent & untru pretences he is now indeavouring to dispose thereof and cheat him, to avoyd or prevent which He is now taking a journey to you in this unseasonable time of the yeare, Besides your readynesse to doe what is just in all things, and the merits of His case, I recommend Him particularly to you, begining my Correspondence with you, with this assurance, that not only in the like occasion, But all others that may happen, I shall be ready to give the utmost assistance of this His Ma^{ties} Government to any that shall come from you.

I congratulate your Arrivall into your new dominion, where I hope things will answer your expectations, and that you may have all succeſſe and prosperity therein, are the wishes of

Your Affectionate humble Serv^t.

THO. CULPEPER.

I shall hope to hear of your good succeſſe by Col. Hill at his returne.

You had a Better passage than I, but, God be thanked, I am come in good time, and all things are here in a good posture.

For Mr. WILLIAM PEN, Proprietor of Pensylvania.

Per Col. Edward Hill.

*In Penn's own hand-writing.

DEED OF FEOFFMENT DUKE OF YORK FOR NEW CASTLE.

His Royal Highness His Grant to William Penn, Esqr., of New Castle & Twelve miles Circle.

THIS INDENTURE, made ye four & twentieth Day of August, in ye four and thirtieth year of ye Raigh of our Sovereign Lord Charles the Second, by ye Grace of God, of England, Scotland, France & Ireland, King Defender of ye faith, &c., Annoq. Dino., 1682, Between ye most Illustrious Prince, His Royal Highn^s James, Duke of York & Albany, Earle of Vlster, &c., of ye one part, & W^m. Penn, Esqr., Sonn & heire of S^r W^m. Penn, Kn^t., Deced., of ye other part, Witnesseth That his said Royal Highn^s out of a Special Regard to ye memory & many faithfull & Eminent Services heretofore performed by ye said S^r W^m. Penn to his said Maty & Royal Highn^s & for ye good will which his said Royal Highn^s hath & beareth to ye said W^m. Penn, &c., for & in Consideracon of ye Sum of tenn shillings to him in hand paid by ye said W^m. Penn, at & before ye Ensealing & Delivering hereof, the Receipt whereof is hereby acknowledged, & for other good Causes & Consideracons, Doth Bargaine, sell, Enfeoffe & Confirme unto ye said W^m. Penn, his Heires & Assignes forever, ALL, That ye towne of New Castle, otherwise called Delaware, & all that tract of Land lyeing within ye Compasse or Circle of twelve miles about the Same, Scituate, Lyeing & being upon ye River Delaware, in America, & *all islands in ye said River Delaware & ye said River & Soile thereof, lyeing north of ye Southermost part of ye said Circle of twelve miles about ye said towne*, together with all Rents, Services, Royalties, franchises, Duties, Jurisdictions, Libertyes & priviledges thereunto belonging, & all ye Estate, right, title, Interest, powers, property, Claime & Demand whatsoever of his said Royal Highn^s, of, in or to ye Same, or to any part or parcel thereof, Saving always & Reserving to his said Royal Highn^s, his agents & servants, free use of all Ports, wayes & passages, into, thro' & out of ye Bargained p^rmises, & every part & parcel thereof, To have & to hold ye said Towne & Circle of Twelve miles of Land about ye said Islands & all other ye before menconed or intended to be hereby bargained p^rmises, with their appurtenances, unto ye said W^m. Penn, his Heires & Assignes, to ye only use & behoofe of him ye said W^m. Penn, his Heires & Assignes forever, yeilding & paying therefore yearely and every year unto his said Royal Highn^s, his Heires & Assignes ye sum of five shillings of Lawfull money of England, at ye Feast of St. Michael & ye Archangel only, & ye said W^m. Penn, for himself, his Heires & Assignes, Doth Covenant & grant to & with his said Royal Highn^s, his Heires & Assignes, by these presents, That he ye said W^m. Penn, his Heires & Assignes, shall & will, well & truly, pay or cause to be paid to his said Royal Highn^s, his Heires & Assignes, ye said yearly rent of five shillings, at ye Dayes whereon ye same is reserved to be paid as aforesaid, And his said Royal Highn^s, for himself, his Heires & Assignes, Doth Covenant & grant

to & with ye said W^m. Penn, his Heires & Assignes, by these presents, That his said Royal Highn^s., his Heires & Assignes, will at any time or times hereafter, during ye space of Seaven yeares next ensuing ye Date hereof, upon ye request & att ye Costs & Charges in ye Law of ye said W^m. Penn, his Heires & Assignes, do make & Execute or cause or procure to be made, done & Executed all & every Such further act & acts, Conveyances and Assurances, in ye Law whatsoever for ye further Conveying & Assuring ye said towne & Circle of Twelve miles of Land aboute ye same & Islands & all other ye p^rmises, with ye appurtenances unto ye said W^m. Penn, his Heires & Assignes, forever, as by ye Counsel Learned in ye Law of ye said W^m. Penn, his Heires or Assignes, shall be reasonably Devised, advised or required. And his said Royal Highn^s hath hereby made, Constituted & appointed John Moll, of New Castle aforesaid, Esqr., & Ephraim Harman, of New Castle aforesaid, Gentl., Jointly & either of them severally, his true & Lawfull Attornies, & by these presents Doth give & grant unto ye said John Moll & Ephraim Harman, his said Attornies, or either of them, full power & authority for him & in his name & stead into all & Singular ye p^rmises herein before menconed or intended to be hereby aliened, Enfeoffed & Confirmed, & unto every or any part or parcel thereof in ye name of ye whole to enter, & Quiet & peaceable possession & Seisin thereof or of any part or parcel thereof in ye name of ye whole to enter & receive, & after peaceable possession thereof had & taken as aforesaid to deliver quiet & peaceable possession & Seisin thereof, or of any part or parcel thereof in ye name of ye whole, to ye said W^m. Penn, his Heires or Assignes, or to his or their Lawfull Attorney or Attorneyes Sufficiently authorized to receive & take ye same, & him or them to leave in ye quiet & peaceable possession thereof, according to ye true Intent & meaning of these presents; And his said Royall Highn^s. doth hereby allow of Ratific & Confirme whatsoever ye said John Moll & Ephraim Harman, his said attorneyes, shall Lawfully do or cause to be done in & about ye p^rmises by Virtue of these presents to be as good & Effectuall in ye Law to all Intents & purposes whatsoever, as if his said Royal Highn^s. had done ye same in his own person, or had been present at ye doing thereof. In WITNES whereof, his said Royal Highnesse hath to these p^rsents Sett his Hand & Seal ye day & year first above written.

JAMES.

Sealed & Delivered in ye p^rsence of

JO: WEARDEN

GEO: MANN.

Entred ye 21d of Novemb^r, 1682.

Secretary's office of ye Province of New Yorke, May ye 20th 1700.

The Above written is A true Copy of the Record Remaining in the said Office, Comp. & Exam^d.

WILL. SHARPAS, D: Secry.

RECORDED in the Rolls Office, at Philia., in Patent book A. vol. 2, page 118, 119, 120, the 28th 8th mo., 1701.

By me, THO: STORY, Mr. ib.

RECORDED in the Rolls office at New Castle, In Lib. G. page 408, 409 et., the 16th day of March, 1724. P me,

JOHN DENNY, D: Se. Rr.

[This is the only copy of the several documents of this character and period, in an official shape, that I have found, though it and they have been printed in Vol. I. of Votes of Assembly, and elsewhere.—S. H.]

PHILEMON LOYD TO WM. PENN, 1683.

Honored Sr,

Having before this time Acknowledged the hon^r & Excellent frendshipp of y^{rs} bearing date the 31st of July last, The occasion is now given me by w^{ch} Jn^o Edmandson, of our County, att whose request I give this Assurance, thatt he, the s^d Edmandson, stands bound to me in the somme of one hundred Pounds St^{rs} to secure the Paeyment of fivety pounds of like money, bills of Exchange, drawn by W^m Pickering of y^r Province, factor, as I und^rstand, to one Growden, upon Mr. Peter Heachwith, of London, which bills are now come in Protested, as will appear by the instrument of protest w^{ch} I have intrusted him wth all, who hath now sent his sonne, intending if a speedy compliyanse be not offered, to seek redress in y^r courts, where, if justice be despatched in such plain cases, free from that clogg of teadious formality (too much in fashion) it will add to the worthy corrector of many other your Proceedings. Sr I know I need not move on his behalf that you please to lend your countenance so far as you find right on his side, & for more I believe he must be as far from expecting as I from desiring it. Sr I have allways wished that by a fayr accommodation hear, those divisions between his Lordship & your self might have terminated in a happier friendship, & then besides those advantages to your selves, I should have been in hope that amongst many nayborly intercourses, you would have found my house to have layn in y^r way, & Pleased to have contented yor self with a mean, because so hearty reception from

Sr y^r very Affectionate

Friend & humble servant,

PHI. LOYD.

January the 14, 1683.

"To the Hon^r WILLIAM PENN, Esqr, absolute

"Proprietary of the Province of Pensilvania,

"These Present, per J. Edmandson, Jun^r."

FROM JAMES NEVILL TO WILLIAM PENN, 1682-3.

Deare Friend:

On the first day of this weeke, after ye meeting, I informed friends, That I had some matter of importance to impart to ye people, and desired them to give notice thereof to as many as they could, to meete at Salem on the next day; accordingly, there came together about 30 psons, to whom I read the inclosed, at w^{ch} George Deacon, John Thompson and seaverall others seemed highly displeased, Saying they would stand by the Concessions. I demanded of ye two foremens coned persons, whose leggs they would stand on, for their own leggs had fail'd them formerly, &c.: they asked what I had to doe to medle in such Matters, wth out acquainting them: I answered, I thought y^{em} not psons fitt to be of my Councill, &c.: some said, if the Govern^t belonged to thee, thou might assume it wthout our peticoning thee thereto: I replyed, thou woul'd'st rather have it by consent of the people also; for W^m Called ye Conquer^r acknowledged, he was chosen King, by the consent of ye people: ma'y words past, when it appeared y^t some had not learn'd how to keepe Silence, nor yet to Speake to purpose; at last it was agreed that all ye Inhabitants should have Notice to meete on the second day of this instant moth, and about 60 psons came together; the most part willingly Subscrib'd, & all ye rest, except two psons (after a long dispute) did the like, All generally desiring thee to admitt, that the people may have the Nomination of thy Deputy Gov^rno^r and the Justices of ye peace; John ffenwick did not appeare, his son Hedge told me he thought his father would not doe any thing until he had been wth thee: I have sent thee herewth his Commission, desiring it may never come to his hand, for the people have had so much experience of his ambition, &c. formerly, and it is credibly reported that he hath boasted (Since thy being here) y^t all is his: That very few or none of the Sober people can willingly rec^d him in Authority except I should acquaint y^{em} wth ye meaning thereof, w^{ch} I thinke will not be expedient; and I doe foresee y^t he and his Tribe wilbe so arrogant, that the peace of ye people wilbe much disquieted thereby, if not prudentially p^rvented, it may be Expected y^t all things will be in disord^r when bad men hold the best places of Credit. Though I could verily hope my enemy were reconciled, and that there resteth no malice in him towards me, Neverthelesse, blame me not to be so considerate and provident, That put the case he should have the will to hurt me, yet he shall not have the opportunity, or occasion to doe it, by any Act of mine; As for thee, I declared to the people that I doe Confidently beleive that thou intend'st Such an establishm^t that men shall not have a means or opportunity either to or prejudice the Publick wthout extreme hazard and Daing^r to y^{em}. selves; And to remove (as much as may be) all disgusts and heart-burnings, and to setle this country vpon the fairest probabillitys of a lasting peace and Contentfull establishm^t: To defend ye poore and

fatherlesse, to doe Justice to the Needy, and to deliver y^{em} out of the hands of those y^t are too Strong and mighty for y^{em}: This I declare wth integrity of heart, who am thy loving and Respectfull friend.

JAMES NEVILL.

Salem, 3d jrst mo., 1682-3.

I think it may be the best to settle Joⁿ ffenwick in the Province of Pensilvania, and remove him, so that he have noe interest or Clayme here, least being in possession he Shoulde adde to his ptie, w^{ch} he hath allready made for his pticular interest. I wish thyne and the people's felicity, and freely leave the ordering thereof to the Wisdom of God in thee.

J. N.

He hath offered to sell Land to a Taylor y^t workes wth me, this weeke last past, ye quantity 300 acrs, and to sell one hundred to a Scotchman & give him another, both pties affirmed this in my house (viz^t) ye Scotchman & ye Taylor.

"For William Penn, Propriet^r & Govern^r

"of Pensilvania, These,"

FROM JAMES NEVILL TO GOVR. PENN, 1683.

Gov^r Penn:

I have herewth sent thee an acc^t of the Lands sold and taken vp in these ptes: I desire thee take the towne of Salem into thy lott: John ffenwick has no acknowledgem^s due to him from any one in this towne; and if he should keepe his Court Leete and Court Barron here, it would much weaken o^r Authority, and pties would be made, Some for Joⁿ ffenwicks Court, others y^r Com^{rs}, most out of ord^r: I foresee the inconveniency that will attend this if J. ff. comes to Exercise Jurisdiction here: I hope the Neck of land betweene Oldmans-Creeke & Salem, is in thy remembrance, and wilbe brought into thy lymitts, otherwise both Towne and Country wilbe of little value: I cannot but be concerned for the people here, who earnestly desires to be vnder thy protection, being confidently pswaded thou wilt imploy thy pow^r for their good, and make it thy worke to pcure their Safety,* at w^{ch} time thy p^rsence would be very acceptable to thy Reall and affectionate Friend.

JAMES NEVILL.

Salem, ye 23d 3 mo. 1683.

"For Gov^r Wm. Penn,

"These, with care & speed."

* Parts of a line or two here effaced.—S. H.

*Lands Sold, &c., by John Fenwick Since his Conveyance made to
Jon. Edridge & Edward Warner.*

<i>Cohanzey.</i>		<i>Finns-pointe.</i>	
	Aces.		Aces.
To Sam ^l Hedges, . . .	2,000	Erigge Yearins, &c. . .	1,000
Rich ^d Guy, . . .	1,000		
Thomas Smith, . . .	0,250	<i>Maneten.</i>	
Rich ^d . Lippincott, . . .	1,000	Tho. Watson, . . .	0,200
W ^m Shaddock, . . .	0,250	Marke Reeve, . . .	0,400
W ^m Waythman, . . .	0,250	Edw ^d Web, . . .	0,300
James Peirce, . . .	0,250	Rich ^d Tindall, . . .	0,200
W ^m Worth, . . .	0,250	Isaac Burges, . . .	0,300
Geo. Morton, . . .	0,500		
W ^m Johnson, . . .	0,250		12,100
Ben. Bourden, . . .	0,800	Andrew Andras, &c. . .	00,400
to another, . . .	1,000		
<i>Bout-towne.</i>		Total is	12,500
Mathias Nelleson, &c. . .	1,000		
<i>Christany-neck.</i>			
Andrew Sinicka, &c. . .	0,900		

I am informed of more layd out by his Surveyr w^{ch} is not Certainly Known to thy affectionat friend.

JAMES NEVILL.

[There is no date to this and the following paper, they are alluded to in the letter of J. Nevill.]

Lands Sold by Jon. Fenwick in England, and taken up as followeth, (viz.):

<i>Cohanzey & Alloways Creeke.</i>			
	Aces.		Aces.
John Adams, . . .	2,000	Rich ^d Hancock, . . .	00,500
Joshua Berkstead, . . .	5,000	Roger Huckins, . . .	00,500
Richard Noble, . . .	2,000	Edw ^d Champneys, . . .	02,000
W ^m Hewes, . . .	0,500	Sam ^l Nicolson, . . .	00,500
John Maddocks, . . .	1,000	<i>Packa-go-mack.</i>	
Tho. Anderson, . . .	1,000	Hyppolite Lefeaver, . . .	03,000
Edmund Gibbon, . . .	6,000	John Pledger, . . .	03,000
Henry Salter, . . .	10,000	<i>Salem-Creeke.</i>	
Edw ^d Bradway, . . .	02,000	Sarah Pyle, . . .	10,000
Edw ^d Wade, . . .	01,000	Michael Barron, . . .	01,000
Rob ^t Wade, . . .	00,500	Tho. Budde, . . .	00,500
W ^m Hancock, . . .	01,000	<i>Oldmans-Creeke.</i>	
Xopher White, . . .	01,000	Roger Pederick, . . .	01,000
W ^m Maltsten, . . .	05,000	Sold and taken vp since his	
Tho. Chaunders, . . .	05,500	Arrivall.	
James Wasse, . . .	05,000	<i>Cohanzey.</i>	
Charles Bagley, . . .	00,500	Thomas Smith, . . .	01,000
Widdow Smith, . . .	00,500	James Peirce & W ^m Waith-	
W ^m Penton, . . .	00,500	man, . . .	00,500
John Smith, . . .	02,000		

W ^m Worth & Ja. Peirce, .	00,500	Edw ^d Web,	00,200
W ^m Johnson & Tho. Smith,	00,500	Widow Daniell, . . .	00,300
<i>Salem-Creeke.</i>		Anthony Dixon & Isaac	
One Bowyer,	01,000	Burges,	00,300
to seaverall finns, . .	00,900	Rich ^d Guy,	01,800
<i>Finns-pointe.</i>	01,000		00,900
<i>Bought-towne.</i>	01,000	brought from ye }	87,200
Sam ^l Hedge,	02,000	other side, }	
John ffenwick in his own			
possession,	10,000	Total is,	88,100
Tho. Watson,	00,200		
Marke Reeve,	00,400		
Rich ^d Tindall,	00,210		
	87,200		

I am informed he sold 148,000 acres in England, and showed a Schedule thereof to Thomas Woodrooffe, the last yeare, Acknowledging the same to be true.

COMM^{rs}. WM. PENN TO COMM^{rs}. TO TREAT WITH W. JEARSEY.

WM. PENN, Proprietary and Governor of ye Province of Pensilvania, and ye Territories thereunto belonging.

To his trusty friends and Counsellors, Christopher Taylor, James Harrison, Thomas Holmes, Thomas Winne, Greeting.

Reposing special Confidence in y^r Wisdom and Integrity, I do hereby appoint and impower you my commission^{rs} in my name as Governor & Proprietary of this Province and Territories annexed, to treat, transact and conclude with y^e Governor and Counsell of West Jearsey concerning the satisfaction I have demanded in a Letter to y^e s^d Governor and Counsell for certain great Wrongs and Injustice done unto me and this Province by some of y^e Inhabitants of their Colony. As also to settle a right understanding between me and y^m about the Trade and the Islands therein and w^t soever you shall do herein, I do hereby ratifie and confirm and this shall be to you a sufficient credential. Given at Philadelphia y^e 11 day of y^e 4th Mo., in y^e 35 year of y^e Reign of y^e King, and y^e Third of my Government. W. P.

INSTRUCTIONS TO THE COMM^{rs}. TO W. JEARSEY, 1683.

Instructions and limitations to my Commissioners, C. T., J. H., T. II., T. W., in ye present Treaty wth the Governmt and Counsell of West Jearsey, in their Commission, Dated the same Day wth the Date hereof.

1. So soon as you shall arrive at Burlington, take care to make known to y^e Govern^r and Councell, y^t you are sent in my name to treat wth y^em about some Provincial Business, and therefore desire a time y^t you may be heard.

2. When you appear, one of you give my lett^r into y^e Govern^{rs} hand, after y^t is read produce your Commission or Credential.

3. Begin wth y^e General Proof of y^e General part of y^e Charge observing to read James Claypool, & my wife's letters last. When this is done, ask their opinion, whether they look upon y^e General Charges to be proved, or deny these testimonies.

4. If they allow y^e General Charges to be proved by y^e Authority of these Testimonies, proceed to charge Tho. Mathews by name and produce y^e Lett^r to J^{no}. Goodson or any other you shall have, expressly charging him in this matter w^{en} that is done and. 5. y^e proof allowed demand Satisfaction first in General by a certificate under their hands to give the lye to such rumors, wth a Proclamation in y^e Colony disowning such things and forbidding any such scandalous Reflections for y^e time to come. And secondly satisfaction in particular agst. Tho. Matthews either by a great fine as £500 sterling, or publick Paper affixed to y^e Court house of Burlington, declaring his evil and for y^e same banishing him six months out of this colony and making him forever incapable of any office in it or according to y^e Civil Law to deliver him up to be tryed in this Province, according to y^e Laws thereof: in all w^{ch} you are to take notice y^t I do not allow you to deviate in any point, save Banishment. 6. And if none of all these Punishments are by y^m agreed to, nor nothing tending to ye same, I do hereby order you to make y^r Protest agst ye s^d Govern^r and Councell, and their Refusal, and so wth a meek, and quiet, yet grave behaviour, to return.

7. Lastly, whatever is assented to or denied, be sure take down in writing, y^t you may be able to give me an exact acct of ye minutes of y^r audience and Conference in all w^{ch} God Almighty direct you first in Truths way as Christians and Bretheren, and if th^t will not do secondly as faithful Councillors to me and Patriots to the Province. Given at Philadelphia this 11th day of ye 4th mo., 1683, being ye 35th year of the Reign of ye King and ye 3d year of my Government.

And after all this is ended insist upon my Title to ye River, Soyl and Islands thereof according to Grant, and if they will deliver up peaceably ye Island of Matinicum and Sepassing, return one-half of ye Island Matinicum before ye Town according to my former clemency, believing ye Generality hath done me no wrong, and therefore am unwilling to withdraw my kindness to the General Good, for ye other admit no manner of Parley, demand positively, and if they refuse, let w^t follows lye at their door. Whatever bee ye Argument, they are bounded Westward by the River Delaware, yⁿ they cannot go beyond low water mark for land. They have ye Liberty of ye River, but not ye Propriety. The rest I leave to y^r own understandings to suggest.”*

* This ends the document as found; whether more followed is uncertain; probably not. The particular charges referred to do not here appear. The following letter throws some light upon them.

WM. PENN TO THE GOVERNOR AND COUNCIL OF WEST JERSEY.

To my much respected friend ye Governor, and to my well respected friends ye Counsell of West Jearsey.

In ye unfeigned Love of God I greet you, wishing ye Increase of all Heavenly and Earthly Blessings w^h y^r God of Love and Peace hath promised to his chosen. It is with some sorrow y^t I have this occasion of writing to you wth whom I could alwise desire to have a most loving and intire correspondence, and will hope it shall not be in ye Power either of ye Indiscretion or Injustice of some to lessen my good esteem for ye Generality. But so it is, y^t I have sustained and wth me all interested in the Prosperity of this Province, great, and as I conceive, irreparable injuries by some members of your Colony. England is filled wth a noise of Warrs in Pensilvania, between ye Inhabitants thereof and ye Lord Baltimore and his Province; y^t some were killed, and y^t y^r Lord Baltimore claimed all ye land from Upland to ye falls of Delaware, so y^t w^t rested to me was very inconsiderable, because I had no place where ship or boat could come. Of this ye Chainge, Coffee Houses, Bookseller's Shops, and Country rings, thereby discouraging hundreds ready to purchase, and to come, and provoking others y^t have purchased and not paid to fling upon their deeds, all w^{ch} most false and injurious Reports are flung upon some of ye inhabitants of West Jearsey, a wrong and cruelty if true transcending w^{ht} yet I have met wth in ye World from ye worst of men, but th^t which aggravates the troubles as well as evil, is a violation of ye Bands of Truth and Tyes of Gratitude, thereby exciting men to seek ye utmost Revenge, and all y^t will and force I have could accomplish. But I will tell you and y^r wth comfort to my soul, I am of a better spirit and of more heavenly policy. I know y^t lyes are short lived, and y^t ye patience of ye sufferer shall both outlive ye *effects of such malice*. I would putt it up if it were to be done, and had not a fresh Cry pursued ye former Intelligence, you had hardly ever heard any more of it. But it being nationally divulged and become a Provincial wrong, and as such complained of in y^e provincial Council of this province. It was yⁿ unanimously resolved upon y^a request made to me, y^t I would forthwith dispatch Commissioners to you, ye Govern^r and Council of West Jearsey to complain of ye Wrongs aforesaid, and in ye name of ye Govern^r and Council of this Province and Territories, thereunto annexed to demand satisfaction, a thing as it is reasonable on our parts to expect, so most just on yours to grant, in order to which I have appointed and Commissioned my Trusty friends and Counsellors, Christopher Taylor, James Harrison, Thos. Holmes and Thos. Winne, to transact and conclude of all matters relating to this affair, as also ye final establishment of a right understanding between us concerning ye River and Islands. I have no more to add but ye endeared remembrance of my love, and to tell you I cannot but believe y^t you will take my great Wrong and Suffering unto your serious

consideration, and do me y^t justice, w^{ch} shall acquit you as just men in ye righteous Day of God. I am

Your loving neighbor
and sincere friend,

W. P.*

Phila., ye 11th^{mo.}; of y. 4th, 1683.

[It is probable that in consequence of the foregoing an act was passed by the Assembly of W. Jersey to appoint Wm. Welch, Saml. Wills and Wm. Peachee, to treat with the proprietary of Penns^a. in reference to the rights and priveleges of this province, to or on the River Del^a., passed 8th. 7^{mo.}, 1683.

(See Leaming and Spicer, p. 481.)

WM. PENN TO THE GOVR. & COUNCIL OF WEST JERSEY, 1683.

PHILADELPHIA, ye 20th 4^{mo.}, 1683.

DEAR FRIENDS,

I do in ye love of God & Tenderness of his Truth, dearly salute you, wishing unto you ye Increase of Peace & Comfort, inward and outward, from ye God & Father of all Blessings.

Yours by ye hands of ye Commission^{rs}, and my esteemed Friends, Thos. Budd, John Gosnell, Henry Stacy & Mark Newby, dated Burlington, ye 16th 4th^{mo.}, 83, are come to my hands, and upon ye Perusal of y^m in ye presence both of my Counsell & y^r Commission^{rs}, I have this to say: First y^t I am not w^tout a sense of ye Justice and kindness therein, esteeming y^r Contradiction & Refutation close & Pathetical, but there seems to me an omission of one thing material respecting y^selves y^t since ye Charge lyeth generally upon some of West Jearsey it was not exprest in some such manner as followeth. And Whereas we are informed by Lett^{rs} from Credible persons out of England, y^t some of this Province of West Jearsey have written such storys, If any such Lett^{rs} have been written by any member of this Province, We do &c., the words are left to you, to express in such way and manner as you shall in wisdom think fitt.

2d. If you please omit anything besides ye Denyal & Contradiction of these false Rumors in your certificate, I consider it will be far more suitable as well to ye matter as my request, & ye rather Because ye L^d Baltimore hath nothing to do wth running ye line on Delaware River.

3dly. I cannot but declare myself dissatisfied with Thos. Mathews Explanation, because it is hard for me & my Council, to conceive what other reason he could have to mention y^t affrightening cruelty committed at Lewis als Whorekills by ye Lord Baltimore's soldiers so long agoe, & out of date at ye same time, and in ye same Lett^r when he writt of ye Lord Baltimore's Claime upon Delaware, if not to terrifie People from settling in a country where any part lay wth in ye pretensions

* Apparently in Penn's handwriting.

of such a man. If yo^r sense of him, wth his own dark explanation & ye freedom he frequently takes of indecent talk & reflections upon me & my concerns carry you not farther, I shall wave to press you at this time. Lastly you are pleased to say y^t as to ye River & Islands ye are willing at ye present to be Passive, takeing it not Proper for you to manage & yet y^r Commissioners press me about ye right to river. We have discoursed so farr as they could go for having neither ye Grant wth you upon wh^{ch} ye right ariseth, nor yet a Plenipotentiary Commission to conclude articles of settlem^t, we cannot so much as regularly and profitably treat of ye business; But this I will say in general y^t nothing shall be wanting on my part, wth ye L^{ds} Assistance to assure you & confirm you of ye true & tender regard I have to ye prosperity of West Jearsey & ye Governm^t & People thereof, w^{ch} ends this from.

Your faithful fr^d
& Loving Neighbor.

INDIAN DEED FOR LANDS TO WM. PENN, 1683.

I, TAMANEN, this 23rd day of ye 4th month Called June, in ye year according to ye English account 1683 for me and my heirs and assignes doe graunt and dispose of all my Lands Lying betwixt Pemmapecka and Nessaminehs Creeks, and all along Nesheminehs Creeks to William Penn Propriet^r and Govern^r of Pennsilvania, &c: his heirs and Assignes for Ever for ye Consideration of so much Wampum, so many Guns, Shoes, Stockings, Looking-glasses, Blanketts and other goods as he ye s^d William Penn shall please to give unto me, & my Parcell being much smaller than Ossepenaikes and Swanpees, Hereby for me my heirs and assignes renouncing all claims or demands of any thing in or for ye future from him, his heirs and assignes, In Wittnesse whereof I have hereunto sett my hand and Seal ye day and year first above written.

2^d—6^{mo}—84.

Received moreover all Matchcoats, Stockings, Shirts & Blankets, besides Severall Guilders in Silver, & I acknowledge I have sold all my land as above.

TAMMANENS ✕ Mark.

Scaled & Delivered in ye Presence of

LASSE COCK,
JOHN BLUNSTON,
JOS. CURTEIS.

Indians Present,
RICHARD,
SHOCKHUPPO.

MESAMEQUAN

Witness
CRILBERT HILLEELR.

The Mark of ✕ TAMANEN.

[NOTE.—These deeds and those which follow are the original in

the Secretary's Office, on paper. None of them appear to have been recorded, they are referred to in Smith's Laws, vol. ii, page 110. The receipt appears to be in Penn's writing, see Smith's Laws, vol. ii, page 110.] Many of the signatures are doubtful.

WE, ESSEPENAIKE, SWANPEES, OKETTARICKON & WESSAPOAT, this 23d day of the 4th month called June, in the year, according to the English account, 1683, for us and o^r heirs and assignes do grant & dispose of all our Lands lying betwixt Remmapecka and Nesheminck Creeks, and all along upon Kesheminck Creek and backward of same, and to Run Two days Journey with an Horse up into ye Country as ye s^d River doeth goe, To William Penn, Propriet^r and Goven^r of ye Province of Pensilvania, &c., his Heires and Assignes for Ever for ye Consideration of so much Wampum, & so many Guns, Shoes, Stockings, Looking-glasses, Blanketts, and other goods, as he ye s^d William Penn shall be pleased to give unto us, hereby for us o^r heirs and Asssignes Renouncing all Claims or Demands of any thing in or for ye Premise for ye future from Him, his heirs and Assignes, In Witness whereof we have hereunto sett o^r hands and seals ye day and year first above written.

Scaled & Delivered in presence of

LASSE COCK,
PHILIP TH LEHMANN,
PIETER COCK,
JOS. CURTEIS,

Indians Present

MENANE
HITTOKEN,
RICHARD,
SHOCKHANNO,

The Mark of ✕ ESSEPENAIKE.

The Mark of ✕ SWANPEES.

The Mark of ✕ OKETTARICKON.

The Mark of ✕ WESSAPOAT.

KEKELAPPAN

His ✕ Mark

WE, ESSEPENAIKE & SWANPEES the 23d day of ye 4th mo called June, in ye year, according to ye English account, 1683, for us and o^r heirs and Assignes doe grant and dispose of all our Lands Lying betwixt Pemapeck & Neshaminch Creeks, and all along upon Neshaminch Creek & backward of ye same & to run two days Journey with an horse up into ye country as ye s^d River doeth goe to William Penn, Propriet^r and Govern^r of ye Province of Pennsilvania, &c., his heirs and Assignes for ever, for ye consideration of so much Wampum, & so many Guns, Shoes, Stockings, Looking-glasses, Blanketts and other goods as he ye s^d William Penn shall please to give unto us, hereby for us o^r heirs & Assignes, renouncing all Claims or demands of any thing in or for ye Premises for ye future

from him, his heirs and Assigns, In Witness whereof we have hereunto sett o^r hands and seals ye day and year first above written.
Sealed & Delivered in presence of

N. MORE,
LASSE COCK,
THOS. HOLMES,
C. TAYLOR THONYNE,

Indians Present

WEANAPPO,
ENSHOCKHUPPO,
ETNACKEHERAH,
ALAEHOH.

The Mark of ✕ ESSEPENAIKE,
The Mark of ✕ SWANPEES.

See Smith's Laws, vol. ii., p. 110.

THE 23RD OF YE 4TH MONTH, 1683.

WE, TAMANEN & METAMEQUAN doe hereby acknowledge to have rece^d of William Penn Propriet^r & Govern^r of Penssilvania, &c., these following goods being the consideration for our Tract of Land Lying betwixt and about, Pemneapecker & Neshemineh Creeks, and all along Neshemineh Creek, should & graunted unto ye s^d William Penn, Propriet^r & Govern^r &c., as by a Deed Dated ye 23d of ye 4th month in ye year 1683, doth moreplain appear bearing ye date hereof with w^h we doe hereby hold o^rselves fully contented and satisfied.

5 p Stockings	5 Hatts	10 Glasses	10 Tobacco Tongs
20 Barrs Lead	25 lb Powder	5 Capps	10 pr Sissers
10 Tobacco Boxes	1 peck Pipes	15 Combs	7 half Gills
6 Coats, 2 Guns	38 yds. Duffills,	5 Hoes	6 Axes, 2 Blanketts
8 Shirts, 2 Kettles	16 Knives	9 Gimbletts	4 handfull Bells
12 Awles	100 Needles	20 Fishbooks	4 yds Stroud Water.
	20 handsfuls of Wampum.		

In wittnesse whereof we have hereunto sett o^r hands.

WE, TAMANEN & METAMEQUAN this 23d day of ye 4th month, called June, in ye year, according to the English account, 1683, for us our heirs and Assignes doe freely Grant and dispose of all our Lands Lying betwixt & about Pemmapecka and Neshemineh Creeks and all along Nesheminehs Creek to William Penn, Proprietary & Govern^r of Pensilvania, &c., his heirs and Assigns for Ever for ye consideration of so much Wampum and other goods as he ye s^d William Penn shall be pleased to give unto us, & our Parcell being much smaller than Esseepenaiké and Swanpees Hereby for us o^r Heirs and Assigns renouncing all Claims or Demands of any thing in or for ye Premises for ye future from him his heirs and Assignes, In Wittnesse whereof we have hereunto sett o^r hands & Seals the day and year first above written.
Sealed & Delivered in ye presence of

LASSE COCK,
PHILIP TH LEHMANN,

PIETER COCK,
JOS. CURTEIS,

Indians Present

MENANEY,

APHAUTESS,

The Mark of ✕ METAMEQUAN,

Also RICHARD.

KUPPAPE,

KATEMUS,

SHOCKHUPPO.

The Mark of ✕ TAMNEN.

[Endorsement in handwriting of Wm. Penn. "Metamequam's and Tamanan's conveyance to Proprietor and Governor." See Smith's Laws, vol. ii. p.]

INDIAN DEED FOR LAND TO WM. PENN, 1683.

I, WINGEBONE, this 25th day of ye 4th month called June, in ye year, according to ye English account, 1683, for me, my heirs and Assignes, doe freely graunt & dispose of all my Lands Lying on ye west side of ye Skolkill River begining from ye first Falls of ye same all along upon ye s^d River and Backward of ye same, so farr as my right goeth, to William Penn, Propriet^r and Govern^r of Pennsylvania, &c., his heires and assignes, for Ever for ye consideration of so much Wampum and other Things as he shall please to give unto me, hereby for me, my heires and Assignes, renouncing all Claims and Demands of any thing in or for ye future. In witness whereof I have hereunto sett my hand and Seal the day & year first above written.

The mark of ✕ WINGEBONE.

Signed, Sealed & Delivered in ye presence of

JOS. CURTEIS,

TAMANEN,

MACHEMEN,

WHEHELAN,

METCHPOKAN,

KUPAUKQUE,

} Indians. [See Smith's Laws, Vol. II. p.110.]

INDIAN DEED FOR LANDS TO WM. PENN, 1683.

WE, SECANE & ICQUOQUEHAN, ~~~~~ Indian Shacka-makers, and right owners of ye Lands Lying between Manaiunk, als Schulkill and Macopanackhan, als Chester Rivers, doe this 14th day of ye fift month, in ye year, according to English account, 1683, hereby graunt and Sell all o^{ur} Right & Title in ye s^d Lands Lying between ye s^d Rivers, begining on ye West side of Manaiunk, called Consohookhan, & from thence by a Westerly Line to ye s^d River Macopanackhan, unto William Penn, Propriet^r & Govern^r of ye Province of Pennsylvania, &c., his heires & Assignes, for Ever, for and in Consideration of 150 fathom of Wampum, 14 Blanketts, 68 yds. Duffills, 28 yds. stroud watrs, 15 Gunns, 3 great Kettles, 15 small Kettles, 16 pr. Stockins, 7 pr. Shoes, 6 Capps, 12 Gimbletts, 6 Drawing Knives, 15 pr. Sissors, 15 Combes, 5 Papers needles, 10 Tobacco

boxes, 15 Tobacco Tongs, 32 Pound Powder, 3 papers Beads, 2 papers Red Lead, 15 Coats, 15 Shurts, 15 Axes, 15 Knives, 30 barrs of Lead, 18 Glasses, 15 hoes, unto us in hand paid, the receipt whereof is hereby acknowledged, hereby renouncing all Claims & Demands for ye future from us or heires or Assignes, in or to ye premises. In witness whereof we have hereunto sett or hands and seals ye day & year first above written.

The mark of



SECANE.

The mark of



ICQUOQUEHAN.*

Sealed and delivered in prsence of

PISERICKEM,

The mark of X PETER RAMBO,

The mark of X SWAN SWANSON,

PHILIP TH. LEHNMANN,

JOS. CURTEIS,

CATEMUS, an Indian King.

INDIAN DEED FOR LANDS TO WM. PENN, 1683.

WE, NENESHICKAN, MALEBORE, al^s Pandanoughhah, Neshanocke & Osereneon, Indian Shackamakers, and right owners of ye Lands Lying between Manaiunk als Schulkill & Pemmapecka Creeks, doe, this 14th day of ye fifth Month, in ye year, according to ye English account, 1683, hereby graunt, Sell and dispose of all our Right, Title & Interest in our Lands betwixt Manaiunk and Pemmapecka, So farr as ye hill called Consohockin, on ye sayd River Manaiunk, & from thence by a Northwest Line to ye River of Pemmapecka ~~~~~ unto William Penn, Propiet^r and Govern^r of ye Province of Pennsylvania, &c., his heirs and Assignes, for Ever, for and in consideration of 150 fathom of Wampum, 15 Gunns, 15 Blanketts, 3 great Kettles, 15 Small Kettles, 15 Coats, 15 Shirts, 60 yds. Duffills, 30 yds. Sroud watrs, 6 drawingknives, 20 Gimbletts, 7 pr. of Shoes, 15 pr. Stockins, 15 pr. Sissers, 15 Combes 15 Axes, 15 Knives, 15 Tobacco Tongs, 30 Barrs of Lead, 31 Pound of Powder, 15 Awles, 18 small glasses, 10 Boxes, 6 Capps, 3 papers of Beads, A paper of Read Lead, to us in hand paid, the receipt whereof is hereby acknowledged, Hereby renouncing all Claims or demands by us or heirs or Assignes, for ever, in or to ye premises. In Witnesse whereof, we have hereunto sett or hands and Seals ye day and year first above written.

The mark of



NENESHICKAN.

The mark of



MALEBORE.

The mark of



NESHANOCKE.

* For the peculiar marking of the Indians to this and other deeds, see the Lithograph sheet in this volume.—See Smith's Laws, Vol. II., p. 110.

Sealed and delivered in prence of

PISERICHEM

The mark of ✕ PETER RAMBO,

The mark of ✕ SWAN SWANSON,

PHILIP TH. LEHNMANN,

JOS. CURTEIS,

CATEMUS, an Indian King.

INDIAN DEED FOR LANDS TO WM. PENN, 1683.

I, KEKELAPPAN, of Opasiskunk, for me, my Heirs and Assignes, do hereby give and grant unto William Penn, Proprietary & Govenr. of ye Province of Pennsylvania, &c., his Heirs & Assignes, that half of all my Lands betwixt Susquahanna & Delaware, which lyeth on ye Susquahanna side; And do hereby further promise to sell unto him at ye next Spring, at my return from hunting, ye other half of my Land, at as reasonable Rates as other Indians have been used to sell in this River. In witness whereof I have hereunto sett my hand & Seal at Philadelphia ye 10th 7ber, 1683.

KEKERAPPAN.

His ✕ mark.

Witnesses present.

LASSE COCK,

ESSEPENAÏCKE,

His ✕ mark.

PHILIP TH. LEHNMANN.

[The foregoing four deeds are all on paper.]

I, MACHALOA, Owner of ye Lands Delaware River, Chesapeake Bay, & up to ye Falls of Sussquahana River, do hereby declare to have [sold] and do sell unto William Penn Proprietary & Govenr of ye [Province] of Pennsylvania & ye Territories [thereu]nto belonging said Land on ye aforementioned river (part of ye pay thereof I acknowledge to have ye remainder to be paid in ye Spring & d ye no man e at upon any part of it, went overn^r special nder his hand, & y^t all fam by him there hall enjoy it and live upon & quietly. In whereof I have sett hereunto & Seal at 18th Octobr 1683

M

h

ha

mark

Sealed & delivered in ye presence of us

PIETER ALRICKS,

J. D'HAES,

ARNOLDUS DE LA GRANGE,

LASSE COCK,

E NTWELL,

LAND

MARIO	his mark
LEHLRIE	his mark
PISHEA	his mark
WHISANOIT	his mark
SAHSOCHAN,	his mark

[Original much rat-eaten and defaced, a portion lost. See Smith's Laws, Vol. II. p. 110.]

PROCLAMATION OF WM. PENN, 1683.

By me Wm. Penn, Proprietary & Govnr of ye Province of Pensilvania & ye territories thereto belonging.

A PROCLAMATION.

Whereas ye Governr of the New Jersey hath requested me y^t ye order by him & ye Councill of ye said Coloney made concerning ye illegal Disposal of Lands, wthin ye s^d Colony by Thomas Mathews, might be made public in this province th^{no} Injury & Loss might come to such as unadvisedly are inclinable to purchase any part or tract of him, these are to give notice & to warn all ye Inhabitants of this Province & territories thereof to forbear dealing wth buying of ye s^d Thomas Matthews any Lands so taken up as they tender ye security of their concerns & will answer it at their peril, given at Philadelphia ye 18th 5th mo 1683.

[From a rough draught or copy.]

WM. PENN TO HENRY SAVELL, 1683.*

MY WORTHY FRIEND,

Permitt a man y^t has not troubled thee a long time to doe it now a little with ye news of this new world y^e by it at least I may continue & preserve my claims to an old & very oblidging acquaintance I thank God I am come well to America & which is more, like it well but y^t is no news, for a rude place & an unpolisht man cant but agree together.

The Land is good, Sand & Loom sometimes strong, ye air serene as in Languedock, the waters cool & sweet. One great navigable River ye Easterne bounds of o^r Province & three or four smaller, running into that, the woods yeild, us Cyprus Cedar Blk Walnut Sarsaparilla Oak White, Blk, Red Spanish Chesnut and Swamp, ye hardest & most lasting Poplar ye, best in ye world, I have here a canoe of one tree y^t fetches 4 Tunn of Bricks also Ash & many y^t in England wee have not. The woods also yields us Grapes, Plumbs, Peaches, Strawberryes & Chesnutts in abundance. I have laid out a town, a

* This appears to be a copy, and a very fair one, in the hand writing of W. P. S. H.

mile long & two Deep, on each side of w^{ch} is a navigable River ye least of which is as broad as ye Thames at Woolwich as I remember, from 3 fathom to 8. The winter is sometimes 3 months usually but two one in three years sharp, I suppose we have 80 houses in our town & about 300 farmers near it to help us with provisions & ye Merchants & Mechanics to accomodate them with goods.

The Natives are proper & shapely, very swift, their language lofty. They speak little, but fervently & with Elegancy, I have never seen more naturall sagacity, considering them wthout ye help I was going to say ye spoyle of tradition. The worst is that they are ye wors for ye Christians who have propagated their views and yeilded them tradition for ye wors & not for ye better things, they believe a Diety & Immortality without ye help of Metaphisicks & some of them admirably sober, though ye Dutch & Sweed and English have by Brandy and Rum almost Debaucht y^m all and when Drunk ye most wretched of spectacles, often burning & sometimes murdering one another, at which times ye Christians are not without danger as well as fear. Tho' for gain they will run the hazard both of yⁱ and ye Law, they make their worshipp to consist of two parts, sacrifices w^h they offer of their first fruits with marvelous fervency and labour of body sweating as if in a bath, the other is their Canticoes as they call them w^{ch} is performed by round Dances, sometimes words, then songs, then shouts two being in ye midle yⁱ begin and direct ye chorus this they performe with equal fervency but great appearances of joy.

In this I admire them, nobody shall want w^t another has, yett they have propriety, but freely communicable, they want or care for little no Bills of Exchange, nor Bills of Lading, no Chancery suits nor Exchequer Acct. have they to perplex themselves with, they are soon satisfied and their pleasure feeds them, I mean hunting & fishing I have made two purchases, and have had two presents of land from them.

Things here go on very prosperously & with God's help & ye King's & my Noble Friends favor I doubt not in 7 years to equall plantations 40 years older, as in a Town (ye life of a Province) I have already outdone some.

I doo earnestly Recomend the Bearer Capt. Markham my Kinsman, an Ingenious person & my Agent at Court for the compleatm^t of my affairs Pray give him Access & Measures, favour our beginnings and lett not this distance rob me of ye continuance of thy favour and friendship I have pardon to ask for a poor p^rsent of our own growth lett ye heart yⁱ makes ye offering vallue it with Thee, w^{ch} said, lett me take my leave with all good wishes for thy prosperity and continue ye character of w^t I am without all Reserve.

My worthy Friend,

Thy very thankful, faithful, Friend,

Philadelphia, 30th 5 mo., 1683.

W. P.

WM. PENN TO THOMAS TAYLOR. 1683.

PHILADELPHIA, 31—5th mo. 1683.

DR. FRIEND T. T.

With dear Love in ye lasting truth I salute thee & thy dr. Wife & Bro. & Sister Barry & Friends as free. Kindly I take thy two Letters & desire thy loving correspondence, being a man y^t I hold in much esteem & y^t hath got no small place in my heart ye inclosed is to P. Loyd, I leave it wth a flying seal y^t thou mayst read it, & not be uneasy in ye Delivery of it. I only do touch, but deeply too, as well as briefly, on things, let me know his resentm^t. He loveth thee, & thou must in Gods way improve it. The seed is low in him, & he is for going into ye Wilderness; & looking at our coming out yt sing Salvation & Strength to our God, who for his Dominion setting up, he fears for us; Well 'tis an honest mind; but wth thee I hope y^t truth shall raign, & Truth's Authority rule, for God is a making y^e place of his feet Glorious, y^e Earth this lower orbe; but it must be after his Truth's fashion & not Egypts. Christ was liberal, keeps open house, eat wth Publicans, and by y^e spiteful Professors slandered, & as a Friend to Wine-bibbers & Publicans. I am more private here yⁿ in England, being perpetually in the Crowd of y^e Great at Court, Councel & Parliam^t Inns of Court, &c., for y^e service of y^t truth, & I hope this will not hurt me; but y^e Lord y^t brought & y^t sent me I believe will keep me. Oh let all y^t know y^e Lord, be earnest wth him, y^t we may be kept & carried on to his Praise. For y^e story of y^e L^d Balt; 'tis as false as y^t I am a dead Jesuit (for so all over England I was reported, not wthout a jealousy whence it came too). I told him in England y^t Jn^e Fenwick offered me 1000 to get of y^e Duke his interest in New Castle & those parts; but y^t I refused to endeavour it, because Langhorn to whom I mentioned it, said y^e 'Baltimore claims it as belonging to him;' w^{ch} is all; but y^t y^e Duke did offer it, or I said so, is as true as y^t his Father offered to go to Tryal wth y^e Duke by Consent, & y^e Duke refused, w^a y^e Duke told me before 5 of his Commissioners (Lord Hyde one) y^t he offered to buy it by Consent, & y^e old L. B. would not, saying it was not fitt for him to go to Law wth y^e King's Brother; yet I hear y^t L^d Balt. hath been free wth his Discourse up & down his Province, w^{ch} y^e Duke will rebuke, I doubt not. But why also did I refuse, because I was in Treaty about your yea & nay going for an Oath. I had his promise at y^e same time, & treated him at y^e George & Vulture for y^t very reason, where he challenged wth me to have spoak so, but hath not performed. Again, I finding this place necessary to my Province, and y^t y^e Presence of y^e L^d Balt. was ag^t Law civil & common, I endeavoured to gett it, & have it, & will keep it if I can. But y^e Pr is good or bad at charging; for he charges my suppositions as concessions: If thou hast a Title to y^e lower Countries, they are not y^e farther off, because I have y^m; &

if y^e 40th Degrec N. Latitude be higher yⁿ common fame giveth it, w^t wilt thou let me have it at 3^d Mile, and so pro rata, & I will wave y^e King's Letter. I say, those Ifs be turnouts, & makes me confess both to be his; & was so silly as to write to me to give it under my hand; A Calumny to imagine I would not signe w^t I say, as much as it was ridiculous to make me so to confess wthout any If, & yet y^e contest continues. But he will be sorely disappointed in y^e end, for these mean arts cannot hold long; like y^e Story of Hopper: 1st he doth an unfriendly Act, & yⁿ groundeth it upon a Fiction, refusing to name his author at New Castle (tho' in his Letter he promised it) In fine I love Plainness & Integrity; for y^t God will bless.

For my Letter to those at y^e Head of y^e Bay, 'twas as informed, I writt conditionally, *if in my Province*; he did not so at Marcus Hook in my Province; wⁿ he forwarned y^e Inhabitants, not to pay me Quitrent, though y^e Line was not run. Nor yet in his late Proclamation, wⁿ he putt Whorekill into it y^t is in mine & y^e Duke giveth Possession, at a time too of Treaty, before a Demand had been regularly made or denyed: Besides he needed not have said Whorekills, if of his province, for East ford side of y^e Province had been enough, & voyd of Offense. But if Whorekill must be in y^t on purpose to sett y^e People together by the ears; a Child may see this. And whether this be to prove his reasonable peaceable Behaviour & desire of a good issue, let my Enemies y^mselves judge, if they will *not* be false to their own understandings. But, Alas! Dr. friend, when a man can abuse kindness, say, I was proud at N. C. y^t was humbler & freer wth him yⁿ ever, & makes Capt. Markam & Alderick's way of civility, wthout my consent or knowledge, a reason why he should render y^e suffering of my Friends in Maryland in a matter of conscience to y^t what I have more to say, but y^t I have no hope of such an one. I add, y^t wⁿ he refused under colour of Illness to setting each apart wth our Counsell, treat by Memorials signed by us (a thing he knew honest and wise, wherein neither could be abused) he went away so infected, & reported everywhere on occasion, y^t we had ended y^e matter. But for my Secretary who, to do y^e man right, never spoak to me whilst at New Castle, but was tho infirm, alwaies in company wth him and & his People. He also charged Sawyer & Coursey wth saying something of my Secretary, y^t he should drop reflecting both upon y^e Ld. Balt. & myself, & wⁿ both were taxt wth it by my Commissioners, they denyed it, & Sawyer swore y^t his Lord should put none of his Tricks upon him. This is some of y^e true History of things, & thus they will be found to all ingenious Inquirers. Sound P. L. if Sawyer's way be designed y^e Liberty he uses to geer his L & his officers, to extol others & inform, or his way of jesting; for he is like to be in these parts. So dr Tho: in Love y^t dyeth not, Farewell.

For y^t of having ill men in y^e Govern^t they are not of my choosing but y^e Peoples; 'tis y^e freedom of y^e Constitutions & y^e fewness of

y^e People, y^t are worthy in y^e lower parts, where I presume he meant. A Ship is going away & much is my business to write, w^{ch} makes me Scribble but ill. Again Salute me to thy dr Wife
Thy true Friend

WM. PENN.

To THOMAS TAYLOR,
in Maryland.

WM. PENN TO JOHN TUCKER, 1683.

PHILADELPHIA, ye 29th 5th mo., 1683.

KIND FRIEND :

I am very sensible of thy care & Diligence, & though my Recompense doth not alwise run & make haste, I am gratefull & therefore cannot be unjust in ye end. My Difficulties have been many, are continued by ye Backwardness of ye L^d Baltimore to comply wth ye kings Letter. My Friend Braithwait was a true Proffit, but, vincit qui patitur, I have sent the Bearer, my kinsman, Capt^t William Markham, an ingenious person, my deputy in ye Goverment, who can direct & place thy solicitations right in every point, both from his own skill & his particular instructions. Pray treat & introduce to my Friends wth kindness & respect. I have writt to y^{on} all & not forgottan w^t thou hinted to me either about my friend Guin & Bl., or my fr^d Bredgeman & Munstephers, to whom give my sensible respected Thanks, more afterwards, leaveing ye Bearer to inform thee of all things & to give a small token, I conclude wth desires to have a continuance of thy intelligence so acceptable, assure thee yt I am sincerely & affectionately

Thy True Friend,

W. P.

To JN^o TUCKER, the 29 5 mo., 1683.

[Copy in W. P.'s hand, apparently.]

WM. PENN TO COL. PHILEMON LOYD, 1683.

ESTEEMED FRIEND,

I have long promised myself to visit thee wth a Letter (ye only way now allowed me,) & chuse this opportunity to perform wth myself, hearing thy Weakness yet Recovery. And first, I congratulate wth a friendly Joy in the best sense those small returns to health, y^t yet appear, praying ye God of ye Spirits of all Flesh both to restore thee & sanctifie this Providence & Seal it up unto thee wth deep & effectual Instruction. God hath endued thee wth a wise, mild and enquiring Spirit, & I find ye Love or ye best of God's People reaching to those desiring y^t it might not be almost, but altogether thy Lott to be a Christian of Christ's making, through ye Power of his own blessed Cross in thee. And yet it seems an unnecessary Solicitation

for w^t need hath a man of so sober, so cleanly, & so approved a Behaviour of ye Cross of Christ. This may be an Objection, I know it well, I say y^t ye Cross of Christ in man, like the truest Medicines, it works upon ye parts, however hid from sight, y^t it is not suitable to its own nature, & of any Damage or Danger to ye Patient. They y^t need not ye Power of ye Cross of Jesus to save ym from Drunkenness, Uncleaness, Murder, Theft, &c., may need it greatly to mortifie ye Love we have to ye Friendship of this World, its Honour & Esteem, or at least ye Shame y^t we have, y^t we have to leave and deny it after being born & bread in ye midst of it. Thou wilt excuse my Freedom, I know, & ye love I have for thy noble part & ye true Nobility of it are all ye Apology I make for this Freedom, afer so small & short Acquaintance. But thy Spirit I know, and ye Visits I have made it are many, & I would not have it narrowed & clogged by those usual Obstacles y^t in every age have been ye hinderers of ye Soul's flight to more immortal Dwellings, Comunion, & Meditation, ye Knowledge of God, Heaven, & ye Eternal Blessedness of ye Just, are opened wthin man by y^t Spirit w^{ch} striveth wth him for his return, & this is Immanuel, ye Gospel Day, to w^{ch} all precedent & remoter Dispensations must yield; yea, ye part of ye dawning of ye Christian Day, y^t yet retained any part of ye Shadowy & Elementary things, about w^{ch} ye long bustle & Contest hath been; ye Body of Moses, where is the body of Moses? Let his Spirit go where it will. Dr. Friend, God is working great things by contemptible means, he had need work wthout flesh, else it will glory, but from ye rising of ye Sun to ye setting thereof his Name shall be famous, & in every Land Incense shall be offerd, and ye Gentiles shall come to his Light, & their Kings to the Beauty of his arising, & his People shall eat ye Riches of ye Gentiles, & in their Glory shall ye boast ymselfes, And it shall come to pass, y^t ye Nation & Kingdom y^t will not serve thee (ye Church) shall perish; yea, those Nations shall be utterly wasted. The Prophet adds, & ye Sons of ym y^t afflicted thee shall come bending unto thee, they shall call thee ye City of ye Lord; ye Zion of the holy one of Israel, whereas thou hast been hated & forsaken I will make thee an eternal Excellency, a Joy of many Generations, & thou shalt know y^t I ye Lord am thy Saviour & thy Redeemer, the mighty one of Jacob, in yt Day thy Officers shall be Peace, & thy Exactors Righteousness. Much of this hath ye Prophet Isaiah for ye times y^t we are fallen into, as ye Spirit of ye Lord hath & doth signifie to his People; & God is giving some Specimens hereof, some Samplars; blessed are they y^t worthily perform ye Experiment. I am myself in this very thing upon ye Stage; I know who sent & brought me hither. Let men Cry, Report, and we will report, & by their Envious Imaginations sown abroad, endeavour to bring an Odium upon ye whole work, misrendring, aggravating, & w^{ch} is yet worse, abominably contriving Stories, in substance false, though wrapt in some circumstantial, verily to give ym passage; but I am yt man yt know I have obtained & Kept w^t I have by Faith, A Son

of Providence y^t knows from whom ye Rain & ye Dew comes, long Life & Prosperity in undertakings. A Lye shall be burnt up, but Truth & Innocency shall flourish. God hath given me Patience to bear ye harms of Untruth & Malice, knowing ye last not long, & return wth Confusion upon ye Authors of y^m. If I speak enigmatically, thou art a dextrous Interpreter. I dare believe Time will decree & fasten things as they are & should be. But I return & pray y^t it would please God to add to thy daies wth Ease & Comfort, & gather thee under ye Knowledge & Service of his Truth more & more, y^t an eternal Diadem; thou mayst receive in ye End of time, when mortality shall be swallowed up of Life.

I have yet to tell thee I received thy kind & obliging Letter, & if it may be wthout an Umbrage of Jealousie, I should be glad of ye Continuance of a Correspondence so well begun, assuring thee y^t among ye many y^t profess to love & value thee there is none y^t doth soe wth more Sincerity than

Thy very real & affectionate friend,

W. P.*

PHILADELPHIA, ye 31 of ye 5th mo., 1683.

For my much Valued Friend,

Coll. PHILEMON LLOYD, at Chaptank, Maryland.

*In same hand as the preceding—a copy probably.—S. H.

REPORT OF CONFERENCE WITH CHAS. CALVERT, 1683.

These are to Certifie that in A Conferance at Coll. Taylors in Maryland, between the Proprietarys of Maryland And Pennsylvania, Chancellor Calvert Answering the Propriet' of Pennsylvanias Argument about two Degrees only Granted to the Lord Baltemore, said: S^r., to Show you that the Patent was not to begin by Degrees, my Father had a grant of more of Virginia then than Now my Nephew Enjoyeth, but that the Patent giving only Vnplanted Land, he was Advised to Let it fall Least he forfeited the Whole. Witness our hands at Philadelphia, the 9th day of the 6 Month, 1683.

Indorsed.

"A copy of what Charles Calvert said at a Conference at Col. Taylor's."

COPY OF LETTER FROM COL. DONGAN TO ALBANY, 1683.

GENTLEMEN,

I have this day advised with the Councill, and after a serious consideracon as a cause of so grate Importance required, it is for good and weighty reasons thought very Convenient and necessary to putt a Stopp to all proceedings in Mr. Penn's affairs with the Indyns untill his bounds & limits be adjusted, att ye determining of w^{ch} I think either to bee personally present or else send some a purpose. yo^u

are, therefore, to suffer no manner of proceedings in that business, untill you shall have positive orders from mee about it, and M^r Haige, Esqr., Penn's Agent, is to bee acquainted with the contents of this Letter.

Gent., I am, assuredly,

Your faithfull Servant,

THOS. DONGAN.

NEW YORK, Septemb^r 18th 1683.

Indorsed.

"a Coppy of Col. Dongans letter
to Albany."—In W. Penn's hand.

MEMORIAL FROM SALEM, N. J. to GOVR. JENNINGS, 1683.

To Samuel Jennings Governour, and ye Members of Council of
West New Jérsey elected and chosen by ye Proprietors thereof, in
Assembly met ye Day of Month 1683.

We ye the free People of ye Town & Jurisdiction of Salem, having taken into our serious Consideration ye present state of this Country, & calling to mind, wth w^t Charge & Hazard we have transported ourselves & Families into these remote parts of ye World, & how we have laboured ever since our Arrival, under many Perils & Difficulties, for ye Settlement thereof in a good and Prosperous Condition, & weighing well in ourselves y^t nothing can more readily conduce to our present, and Childrens future Tranquillity & Happiness, then a fair and just settlement of our Foundations, both wth respect to Property & Govern^t & ye Inabitants' just Interest in both. And further, calling to remembrance ye foot we first engaged upon in our Native Land, and ye Danger of deserting those good beginnings layd wth so much Deliberation & Unity & w^{ch} were once of such moment with us, y^t it was thought fitt, y^t without subscribing to y^m could not, & some therefore, to this day have not enjoy'd their Property & Estates, in this country, to witt ye Concessions signed in England, and hereby ye Freeholders as ye Agreement of ye People for the Frame of ye Govern^t of this Province, & finding as yet, after all our patient waiting for a Confirmation thereof to us & our posterity, y^t we might live wth Security & dye wth Comfort & Hope for our Children, to gett after ye many engagements of E. B. W. P. G. L. & N L. ye Government confirmed to us, it is transferred & settled to E. B. & his Heirs and Assignes, whereby our first Grant is broken, instead of being more clearly ratified, & y^t w^{ch} was & is ours as much as ye Govern^t of East Jersey was S^r G. Cartwright's, & is now in ye new Twelve Proprietors, is conveyed to E. B. by a New Grant. To ye End we may not be wanting to ourselves & Children, nor thus leave both us & y^m at ye Mercy & in ye Power of any man, & y^t in a matter of such moment & importance, we do unanimously desire y^t ye Assembly may be forthwth called to consider ye State of ye Province in case no Confirmation be come by any of ye many ships y^t are

lately come into this River, a thing so often promised to us, y^t fitt expedients may be apply'd to cure our present, & prevent future Mischiefs & Inconveniencies, y^t so we may not through willfull and dangerous Neglect fall into further miseries & confusion yⁿ those this poor unhappy Country hath already too long laboured under.

Indorsed.

“Complaints made to Proprietary of
“West Jersey.”

GOV. DONGAN OF N. Y. TO WM. PENN, 1683.

My Honoured Friend,

Tho' it can never be too soon to express my Gratefull sentiments for your obliging me soe far as to come hither; and ye many kind offices you have done both for the interest of his Roy^l Highness, and to me in particular, yet I had Rather deferr them, untill I have the happie opportunity to Returne you a visit and make personal acknowledgement of your kindness. I rec'd your Enclosed paper of news; and altho' I read them with sorrow to see the misery and distraction of some people, yet I am very much obliged to you for sending them to me. That Loyalty may abound at home & be spread as far as there are any English abroad, I think ought to bee ye ffrequent and Earnest prayers of all good Christians,
Dear Friend,

I have perused ye King's Lettr as also Coll. Talbotts Comission, and Demand, I can say ye Less to it because in that Pattent which I have of ye Dukes there is no mention made but of ye East side of Delaware river & Bay, I suppose the Lord Baltimore so tend^r of wasting ye Duke's Interest y^t he will put a stop to proceedings, untill he know his Roy^l Highn^{ss} his farther pleasure. I have heard you say his Roy^l Highn^{ss} has a letter pattent which haveing not seen I can not so well venture to goe on in an affair, of which I am not so well assured, but If you can find any Thing in which I May be truly serviceable unto you, I shall allways be ready to doe it. I have had an account from Albany of the Indians being there and find they cannot agree amongst themselves; I hope Mr. Graham will find them there, and that my ord^{re} have taken effect. Tho' I would not advise you to settle any people suddenly upon^t It, before the Indians agree amongst themselves; Two or three of the most powerful nations being Debarr'd from any interest in it as you will see by ye enclosed.

The Maqwas have been here with me, and told me there was one about to purchase ye land, I have ordered them to agree in a peaceable way, about It; and they have promised to send me word as soon as they Doe, of which I will Imediately after acquaint you; they have also Given me ye land & p^tend that they have better interest than any other.

They have all of them agreed to Give Sesquehannah river to me

and this Government; which I have under their hands to show for it. All that I desire of you for my own security is that you will engage in case his Roy^{ty} Highn^{ss} be fond of their Gift, that you will save me harmless.

As for your affair with ye Lord Baltimore it is my opinion you should keep possession, and not part with the Dukes Interest before the Duke himself be acquainted with it. S^r wishing you the same good success as I would to my own selfe, with true and hearty respects I Doe assure you that I always am,

My Honrd Good friend,

Your Humble and affectionate

Servant,

THOS. DONGAN.

N. YORK, Octo^r 10th, 1683.

If you think fitt I would have you to send me the quitrents of ye Dukes lands & to let ye Lrd Baltimore be acquainted with it, since ye writing of this I hear ye Indians are gone from Albany what they have Done I cannot tell untill I see Mr. Grahame who is expected every minute.

Wm. Penn, Esquire,
proprietor & Governor
of Pensilvania.

WM. CLARK TO WILLIAM PENN, 1683.

LEWIS, ye 15th 10^{mo} 1683.

Dear Gouvernor:

Thine of the 23th of the 9 mo. and one by the hands of John Hill, with no date, came to my hands, but I had not An oppertunety to send Answer untill now. I shall observe what thee writes as to the platman; And As to the Lord Baltimore pretensions to these parts, I hear nothing of it, all things being quiet & well as to him. I did intend, According to thy order that my wife should A pickled some oysters to A sent thee, and in order to it I sent my servants to get some, And it being at the begining of the hard weather, they were forced to Leave the Connoa and Come away with out it after they had got them; but as soon as the weather is fitt for it, I doe intend to take care about it: I have thy commission to enter and clear vessels, and shall be as carefull in it as I can to prevent any damage that may befall thee through the neglect thereof. Here is a report, as if thee should say that any person may transport Tobacco from these parts to New York without paying a penny pth or giving Bond to pay it: But I have not, nor Shall not suffer any to be transported to that or any other place, (England excepted,) Vntill I have thy order for it: I have severall times demanded An Account of John Hill of his Entries and Clearings; He hath told me that he would

give it me, but hath not, And now he is just goeing from home with the Society Sloop: It is Like he Intends to give thee an Account thereof when he comes there. Some persons here make a dispute wheather we should elect a member for the Provincial Councill and Six for the Assembly on the 10th day of the first month, according as the Act of Settlement direct; Vnless there be a writ from thee for that purpose. I hear that thou have been pleased to send a new commission for Justice for the County of Kent, in which there is at least two persons justly to be objected against, * * had lately a bastard child laid to him, and * * at least suspected to have done unjustly about the goods of * * I hope thy Wife will come in the Spring of the yeare; if before I come to Philadelphia next first month, shall be carefull to go out with a Paylot, and when I shall go hence Intend to leave order about it; but I hope that she will be pleased to come ashore here and refresh herselfe. I did speak to Capt. Markham to desire him soe to doe. Cornelis Verhoofe is dead, and Halmainas Wiltbank on a sudden taken speachless and have no use of his right side hand nor foot, and have layen soe ever since the last Seaventh day was two weeks, not likely to live long. I have not more at present save only mine and my wife's dear love to thy folks and all friends. I remain thine to Sarve thee to

My utmost power whilst

WM. CLARK.

Since my writing Halmainas Wiltbank departed this life.

"This to William Penn, Proprietary & Govern^r

"of the Province of Pensilvania & the Territories

"thereunto belonging at Philadelphia. Delivered."

PETITION WM. MARKHAM TO DUKE OF YORK, 1683.*

To the most High and Mighty Prince James, Duke off York and Albany, &c.

The humble Petition of Will^{am} Markham, Gent., in ye behalfe off William Penn, Proprietor of Pensilvania, and Tenant to his Royall Highness,

Humbly Sheweth:

That his Majestie having an undoubted right to Newcastle, and y^{re} Horkils, and other lands, lying near Maryland, both by Conquest and surrender, from the States of Holland, was pleasd to grant ye same to yo^r Royall Highness and yo^r Heirs, and yo^r R. H. having since been gratically pleased to grant y^m under a rent, to Will^{am} Penn, Esq^r and his Heirs.

* This is not signed and has no date, it was probably 1683, when Markham was sent over to England by William Penn.

The said W. P. applying himself to ye planting and improving thereof, (at very great charges,) is very much obstructed and hindered therein by ye Lord Baltimore, Proprietor of Maryland, who takes upon himselfe to lett and dispose thereof, and presumes to question yo^r R. Highnesses title thereto, w^{ch} deters all persons from dealing wth said Will^{am} Penn, least ye said Lrd Baltimore should again with fire and sword destroy ye said plantation and inhabitants there, as his Ancestors^r formerly did, although they well knew y^t not onely the said Town and lands, but much more w^{ch} he now enjoys, was inhabited and cultivated long before ye patent to y^m, and therefore did not pas to y^m thereby.

These matters now being appointed to be here at ye Council table, at ye desire of and assurance from ye said Lrd B^{rs} Agents, y^t ye said Lrd would be here in Aprill last, and desired to be present at ye hearing, the same hath been putt off from time to time.

Now ye said Lrd B., instead of coming to attend ye hearing here, is in ye mean time practising wth all your R. Highnesses Tenants there, by fair or foul means, to turne tenants to him, promising y^m protection and discharge; and your R. H.^s name sett up at first to ascertain yo^r Rights and ye Confines of ye Territorys, have been taken down in ye night, and most obscene and unseemly marks (not fit to be mentioned here) set up in their place.

Therefore, your Pet^r prays for yo^r R. Highnesses Honor and Interest, y^t the hearing and determining of these matters may not be delayed by ye said Lrd B.^s Pretences, w^{ch} seem to be made use of only for ye Carrying on of these his unhansome and foule practises in ye mean time, or that at least some stopp may be put to him till these matters may be heard and settled.

And yo^r Petit^r, as in Duty bound, shall ever pray.

JOHN WEST TO WILLIAM PENN, 1683.

NEW YORK, Oct. 16, 1683.

Hono^{ble} Sir:

As my tongue was uncapable to express soe my Penn^r hath ye same Inability to acknowledge ye many Exceeding great favors & kindnesses shewne to me when last here, w^{ch} added to your former, amount to soe vast a sune as will entail me yo^r Perpetuall Debtor, & oblige me for ever to be your faithfull friend and most humble serv^{vt}, in w^{ch} office I think it my greatest honour to be Employed. On Sunday ye 7th instant, I was present wth the Gov^r when Mr. Angelo Delivered him ye pacquett from you, & then likewise Received yo^r^s Directed to myself, w^{ch} did not then peruse. But ye Governor, Reading his, resented the Proceedings of Lord Baltimore, & said he would take care of his Mat^{ys} Interest in those parts, w^{ch} I after pticularly Informed him what it was, & being soe well taken by ye Governor, gave noe Roome for a Debate, w^{ch} If it had, should have made the best of my skill & Endeavour for yo^r service, & hope

what returned by Mr. Angelo will be to yo^r satisfaction accordingly. The Governor carryes himselfe very Civill & Oblidgeing to all, & often has Repeated his great esteem for yo^r self, And the ffriendship by you made & settled, is rather Improved than Diminished. In the assizes, though he showed himself Magis Mars quam Mercurius, yett his behaviour was with discretion, Patience & Moderation, shewing in him that Principall of honour not willfully to injure any, & had a Regard to Equity in all his Judgem^{ts}. By his Encouragem^t & Proposall a stock is Raising amongst the Inhabitants here to mannage ye ffishing & Indian Trade ab^t Pemyquid; about £2,200 is already subscribed for that purpose. Yo^r affairs ab^t the Susquehanna Land und^rstand is well Effected, though ye people of Albany, Jealous of their trade, much opposed yo^r interest therein; for ye pticulars of w^{ch} refer to y^r Commissioners, Ffor News have none, ye latest being from your Parts, Sad Enough: our Assembly meets tomorrow, whose proceeding shall give you an account of, the Greater Number are of the Dutch Nation & believe will fully answer Expectation: have not been Capable to show my respects to Mr. Angelo as he deserves, w^{ch} hope my single condicon will Excuse, being very Ingeniously Industrious in yo^r Concerns, & daily waiting for this Despatch, w^{ch} till now could not obtaine: To me nothing is more welcome then your lines, nor am more delighted then when yo^r Commands give me the opportunity to serve you, w^{ch} in whatever I may be capable, hope shall never be wanting nor of yo^r real belife & esteem, that I am,

Hon^{ble} Sir,

Your most Oblidged and most

assured ffriend and humble Servant,

JOHN WEST.

"To the Hon^{ble} Wm. Penn, Esq., Proprietor

"& Govern^r of Pensilvania & Dependencys."

GOV. DONGAN OF NEW YORK TO WILLIAM PENN, 1683.

S^r:

I was Surprised when Capt. Baker came to me and told me that you would purchase his interest of Governor Nicoll's his Patent, which seemed very Strange to me, because you advised me to it, and I told you I resolved upon it in Particular.

Governor Rudiard came to me and seemed mighty angry that I should offer to buy it, he alleadging that it is to Countenance the people to be mutinous against that Government, the which is absolutely contrary to my Principles and thoughts: if I have any Land there, as I question not but I shall before I see you, I shall as willingly submitt to the Laws of the Government as any one Living, and Lay down my Proportion of Payments with as great willingness as any of them all—he seems not to be well pleased with you, be-

cause he has heard you designed to buy one of the Patentees interests: I doubt not but what you do is for the Interest of his Royal Highness in this particular affaire: If possibly I can see you before Winter comes on, I will.

All business goes on here to great Satisfaction; the Sesquehannok River is given me by the Indians by a second gift, about which you and I shall not fall out: I desire we may Joyne heartily together to advance the Interest of my Master and your good Friend: I expect to hear from you, how you would have me proceed

Dear Sir,

I am your affectionate

Friend & Humble Servt,

THO. DONGAN.

Fort James, Oct^b 22^d, 1683.

"For William Penn, Esquire,
"Governor of Pensilvania."

GOV. THOS. DONGAN OF N. Y. TO WILLIAM PENN, 1683.

S^r:

I was very unwilling to slipp this so good an opportunity of writing to you, tho' my business had been no greater than to wish you a merry Christmas, & to let you know how earnestly I desire a seasonable time to come & see you.

Capt. Talbott is gone for England, from where I very much long to hear some good news. There are quitt rents and other things due to us from your Parts before the time of your being Govern^{or}. I desire you to give orders to him who at that time was Collector to collect them & make returns hither. There is one Ephraim Harman at New Castle, who hath a spott of ground near the Borders of this Town, Hath given power to Mr. de Meyer to dispose of it. I desire of you to agree with him as cheap as you can for it, being convenient for me, tho' it is all wore out & yields neither Corn nor English grass, so that it cannot be much worth; I do not believe it above three score acres; the man will tell you how much it is; nobody, I hear, could live upon it. Please to pardon this trouble from S^r,

Y^r affectionate friend,

THOS. DONGAN.

N. York, Dec^{br} 12th, —83.

"For William Penn, Esq^r,
"Governor of Pennsilvania."

JOHN RICHARDSON TO WM. PENN, 1683.

May It please youre Honor:

There came to my house lately, some of the Honorable Lord Pal-timore's officers, who having brought a leter to the Inhabitants of oure

parts, from the Lord Baltimore, to signifie what rent he would require of them. But, I got a copy of it of them which copy I have sent to your Honor, as in respect of the Service as I could perform, I hope your Honor will not be unmindful of the two servants which your Honor sayde I should be sure to have. This is to acquaint your honor that Richard Michell, deputy Surveyor, has taken one thousand eight hundred achers of Land from me into yours, Honors, maner, at the head of Duck Creek, with my house and Improvement. I hope your Honor will be pleased to consider it. I thought fit to acquaint your honor as speedily as I could. I sent By Grifor Jones. But since, I thought that this might sooner com to your hand. But having no more at present to trouble your Honor with, I rest your most humble servant, from Duck Creek, this 10th of the 12 month, 1683.

JOHN RICHEARDSON.

Address.

For the hands of the Honorable William Penn, Esq., Governor and Proprietary of the Province of Pensilvania and Terytories thereunto belonging. These at Phillydellphia.

Per Mr. Mall.

WM. WELCH TO WM. PENN, 1683.

My Hon^d Friend.

Through ye mercy of the Lord, I came well to this place, the last 4th day, when I found all things reasonable well; but soon after, I received some information, as if all things were not so well about, Apokineme, &c., those parts with reference to Baltimore, which beginning of his striving in that place, may probably have its Influence upon this, in a short time, if not prevented. I understand one J. J., is gone up to wait upon thee to Communicate the Matter more plainly by word of Mouth to thee, whom I perceive knoweth much more of ye matter than I can tell thee, & so to His relation I refer thee. And I do entreat a few Lines from thee for My better Govern^{mt} in y^t Affaire. I do Humbly offer, with submission to thy better Judgm^t, whither if Talbott or any other, should come hither upon such like errand, as To withdraw the people from their obedience to thee the Legall Proprietary & Governor We might not seize them & Conveigh them to Philadelphia, or if, he does not come, yet whither we might not send warrants for all who appeared dissaffected to thee, and who have been Tampering with Him, To come and take ye engagement of ffdellity to thee, or forfeit their Land, according to ye Law in y^t Case provided. And if in case Talbott should come hither in any Hostile manner, How shall we Govern our selves in y^t case. I am of opinion that if thou doest not think fitt to put 5 or 6 men into the Fort, how to save it from a surprise, it were better demolisht, or at least the Guns and Arms be moved to some remote parts, and not suffer them to fall into their hands. Griffith

Jones the bearer hereof, will relate to thee y^e Persons of some Men about Jones wth whom Baltimore has been Tampering, and I will Assure thee thou dos not want some in this place that may be perfidious. I broke ye bussiness to Pr. Aldrix, whither He had any orders from thee or Cap^t Markham, about ye Fort. I gave him a hint of what Intelligence I had of Baltimore's underhand dealing, & asked him whither it were not fitt to put a few Men in it, that it might not be surprised. He gave Me a kind of a cold Answer that I did not like, & I had a real sence upon Me, that he is not Right to thy Interest. I say no More, it is thy own Concern to provide a remedy in such matters, & I may with Humility say it does deserve a consideration to do somewhat by way of prevention not Inconsistent with ye truth. I leave it with thee & Remain,

Thy Sincere Friend to Serve thee,

WM. WELCH.

Newcastle, ye 18th 12th mo. 1683.

Whither were it not fit at ye next Election, to have all Ellectors take ye engagement of fidelity as ye Law in ye Case directs.

Address.

To the proprietary & Gov^r. of the province of Pennsylvania & Territories thereunto belonging.

Philadelphia.

These."

JAMES NEVILL, TO WM. PENN.

SALEM, 26th 12^{mo}. '83.

Gov. Penn.

In my forme^r I intimated y^t I sent to Saml. Hedge, from whom I have no answer, but am informed by others he intends to be wth thee shortly, expecting approbation of the account he shall give. But my thoughts are otherwise. We are to hold a Court here on the 10th of ye nexth mth. I wish I could have two lynes of advice from thee concerning o^r proceeding to allow on my Cont will. Here are wth me this day Wm. Hudson and Eastland, of Long Island, who design to purchase of (thee) 400 acres of land, for their two Familyes, they say they would be about Cohanzey, and if they can, will seal them this summer. I advised y^e to come to thee, w^h I expect they will doe before they return home. Thy presence is much wanted here ye w^{ch} if it may be afforded, will be to the great satisfaction of most here, and to the ease of thy

Real and affectionate friend,

JAMES NEVILL.

"For

Gov^r. Penn.

These."

Gov. DONGAN OF N. Y. TO WM. PENN, 1684.

NEW YORK, March 17th, 1883-4.

S^r.

I have received y^{rs} & do much wonder at your way of return for the esteem I have for you. I believe no body can be less guilty of guilt than myself, & when I have any thing to say against any one I do it allways to their face, and to the best of my remembrance never in all my life have spoken one ill word of you, Only this I must tell you I did say when in company, you was discoursed to be thought the cause that Will Wile was refused, I said if it be so, I feared your coveting your neighbor's lands would do you much prejudice, & that expression came from me out of a concern & sense of kindness for you. I have allways written to the Duke about you, as I would have done for my own Brother had he bin in your place, & I suppose in fine you will be sensible of it; had I not had a great deal of kindness for you I never would have taken notice of what tattlers say to you concerning me, & do assure you value not at all what people may prate about me, so long as I am just & true to the trust reposed in me, & if we take notice of all people say, you will be very uneasy.

S^r I am y^r very affectionate

Humb^l Serv^t

THOS. DONGAN.

For Governo^r Penn,
those.

THOS. LLOYD & WM. WELCH TO WM. PENN, 1684.

HON^{ED} GOURNE^R,

Within a short time after our Jersey Fr^d left us Gouvern^r Dongan gave us his let to the L^d Baltimore, w^{ch} we judgd it o^r duty to dispatch away wth all possible expedition in hopes it may reach them at Elisabeth Town this night. The exact Coppy ther^eof thou hast her^ewth inclosed. The sending of it we submissively referr to thy discretion either in sending of it by a hand to L^d B. or to be left at Co^{ll} Talbott to be delivered by him if he be not gone forward Gourn^r Dongan, assures us that ye L. B. wrote to him that he was shortly or suddenly going for England, & that he verily believes he will accordingly go. We could not p^rvayle to have these word Left out in the last Paragraph, save one, Implying as if thy People had Built ye like House or Fort, Concerning w^{ch} we are altogether Ignorant. But Gouvern^r Dongan, affirms that Talbott did again, did again & again assert to him, That thou had ord^rd some of thy people to build the like, W^{ch} we are Confident is an untruth, and is

onely that some persons, since thy coming into the County, have raised some Frame house vpon Lands not Seated before in ye Dukes Time. For by his discourse L^d Baltimore will not allow thee to séat or dispose of any Lands, till the whole be decided, if may have his will.

This wth o^r Affectionate respects,

THO. LLOYD.
WM. WELCH.*

New York Fort, 23, 2d m. 4th hour,
P. Meridiem.

COMMISSION FROM WM. PENN TO WM. WELCH, &c., 1684.

William Penn, Propriet^r & Gover^r of the Province of Pensilvania & Terretorys.

To my trusty & Loving Frds. Wm. Welch, John Simcock & James Harrison, .

Greeting :

Being credably informed that a party of men armed some wth guns & others wth axes, under the command of Co^t George Talbot, have in a Riotous manner invaded the right of some of the inhabitants of New Castle County, under pretense of a Commission from Charles Calvert, Proprietary of Maryland, thes are to empower you, or any two of you, to raise the country & to graunt commissions to such as you shall see cause, to raise ye Country & likewise to charge & command both you & them by the Kings Authority derived to me by ye Assignm^t of James Duke of York & Albany, to take all due care, & y^t with all possible speed, to keep and maintain peace of our Sovereign Lord the King, & to suppress all Rioutous & Rebellious practices, & them to apprehend & imprison whom you shall so find therein, y^t they may be proceeded against according to law, and as also to secure all persons as refuse or neglect to assist you in this service, & whom you have cause to suspect may be unfaithful to ye governm^t, and for so doing this shall be y^r sufficient Warrant. Given at Pennsberry, this 6th of ye 2 mo, 84, being ye 36th year of ye Kings Raign.

WM. PENN.†

* These Gentlemen were dispatched to New York to obtain the friendly services of Governor Dongan, with Lord Baltimore. A memorial signed by them was laid before the Governor and Council,—which is on record in the Council Minutes at Albany, vol. IV. p. 76. It will be seen in my Annaals, vol. ii., p. . The result was a letter to Lord Baltimore from Governor Dongan which follows. See Colonial Records, vol. i. p. 51-60.

† This entirely in Penn's handwriting.

LETTER FROM GOV. DONGAN TO LORD BALTIMORE, 1684.

MY HONORD LORD,

The enclosed Memoriall being delivered to Me, I thought fitt to have it read in Councill, & having Consulted with them, It was concluded to be very fitt & reasonable that I should take ye liberty to acquaint yo^r Lordship in a friendly manner with these sentiments.

That it is desired that your Lord^p would Agree to ye Leaving of things in ye same State & condition they were in before yo^r Lord^p began to Build the ffort as they term it, or Building which they complain off in their Memoriall.

My L^d it is My opinion that his Royal Highness will take it very very kindly. I take ye Liberty to urg this the more because Governo^r Penn's Commissioners tell me yat if they have Built any thing upon ye Land in dispute y^t may be a disturbance to your Lord^p they will cause it forthwth to be taken down. I could wish, My Lord, with all my heart, that this business betwixt yo^r Hon^r & Governor Penn was Amicably decided, which might certainly save a great deal of trouble & expences to both parties.

I am My Lord,
Yo^r Lord^{ps}

Most Humble Serv^t,
THO. DONGAN.

Newyork, Aprill 23, 1684.

[The memorial to which this refers, is recorded on the Albany records, and will appear in my Archives vol. ii. p. signed by Thos. Lloyd and Wm. Welch, appointed by Council to ask Governor Dongan's friendly services with Lord Baltimore. See this latter referred to in Colonial Records, vol. i. p. 51-60.] S. H.

RETURN BY SHERIFF OF CHESTER OF ELECTION 1684:

By vertuie of A warrant to me Directed from The proprietar and governor to sumon the freeholders within my Bailwick to meet one F 10th Day of the 1st moneth in Chester for ye chusing of eight persons out of themselves of most Sobriety and wisdom to serve as their Delegates & Representatives in ye General Assembly of This province and territories two where of To be for ye provenciall Counsell one in the rum of Ralph withers Deceased and ye other in course The members of the provenciall Counsell To give theire Appearance att Philadelphia one The 20th day of the first moneth and The members of Asembly the twentieth Day of The 3^d moneth in obedience To The governors Athority I have accordingly made my sumons of the freeholders who hath made Choise of those per-

sons folowing for the service Afores^d by which I thus make my
Return

for the provenciall Coucell
william wade in y^e room of Ralph withers
william Claiton for one year

for Asembly John Blunston georg maires
Joshua Hasting Robert wade Henry matukes
Thomas usher

I Heare Declare that they was Lafully Chusen and may freely Apear
to make up an Assembly according to Charter in witness whearunto
I sett my hand and seale this 10th 3^{mo} 1684

TH WITHERS

SAMUEL LAND TO WM: PENN RESPECTING COL: TALBOT 1684*

NEW CASTLE UPON DELLAWARE RIVER MAY Y^E 30 1684.
HONOURED S^R

These are to acquaint you that Jonas Erskin and Andries Tille
one y^t Lives neare the widow Ogles was last night in towne and made
Complaint that Collonell George tallbot was yesterday with them and
Brought three muskqueters allong with him and Towld Jonas Erskin
the Widdow ogle and Andries Tille that if they would not forthwith
yeilde obediens to the Lord Balltemore and owne him for theire
Proprietor and pay theire rentes to him that within three weekes he
would turne them out of theire houses and take theire land from
them soe yt the people arre soe Disatisfyed that they cannot tell what
to Doe they have a minde not to plant any thing moare this yeare
nor to tende that korne as they have planted for they thinke he will
turne them out and take all that they have away the marylanders
Tell us that the Lord Balltemore may make a war against us at his
pleasure allbeit wee arre the king of Englands subjekts one will^m
Dareby name gives out these Reports who is one of Collonell Tall-
botts greate freinds and one Peter mossu De maese who was one of
the Riotors that made a forsbile entry 'upon the widow ogles Land
towld me that the Lord Balltemoare had sworne all the Inhabitants
of maryland with faith and Alleigense to him and to fight all those
that the Lord Balltemoare wowl make war against if they showl
ofer to oppose him and Peter Massu Demaese sayd Likewise yt after
he had taken the same oath he sayd how if the king of England
showl be Displeased with the Lord Balltemoares Prosedings and
showl oppose him there being noe Reservation in our oath must wee
oppose and fight against the king and I asked Peter what answer they
made and he towld me they sayd nothing at all made noe answer to
it the Lord Direkt us and bles us for we arre very much threatned by
y^e Collonell tallbott and his gaunge noe moare at present but my
humble servis I am yo^r faithfnl

and obedient servant SAM^L LAND

* See Colonial Records vol. I p. 59.

INDIAN DEED FOR LANDS TO WM. PENN, 1684.

Upon my own Desire and free Offer I. Maughoughsin in consideration of Two Matchcoats four pair of Stockings, and four Bottles of Sider, do hereby graunt and make over all my Land upon Pahkehoma, to William Penn Prop^r and Govern^r of Pennsylvania and Territories his Heirs & Assignes forever wth which I own myself satisfied and promise never to molest any Christians so call^d y^t shall seat thereon by his ord^{rs} Witness my hand and seal at Philadelphia y^e third Day of y^e fourth month 1684

THE MARK OF MAUGHOUGHHSIN.

Signed, Sealed, & delivered

in presence of us

PHILIP TH LEHNMANN

THOS HOLME

JNO DAVERS

GEORGE EMLEN

See Smith's Law vol. II. p. 111.

ROUGH DRAFT OF DECLARATION AGT. LORD BALTIMORE, 1684.

As there is no temporall thing more pleasing & profitable to any Sovereign Prince then that his subjects of all Qualities & Degrees do carefully study ye preservation of ye Comon Peace & Union of his Dominions, as well as that it is their Duty to God, to him, & to themselves so to do, so all acts of Violence, Invasion & hostility committed by subjects under ye same Prince, have in every Age justly Merited, the rebukes and punishment of his law. It is that Duty without too many of those sad Examples that have such a dissuasive power upon men of sober & Concientious Principles, that they abhor to abandon themselves to ye disorderly Passions of Ambition & Avarice, and, therefore, though I hope I have not been wanting to observe even with xtian care my Duty herein to all my Neighbours, Subjects to our Sovereign Lord ye King as well as myself, yett some of them over valuing there own Grandure & much to careless & oblivious of their Duty to ye King in this respect, namely ye Proprietary of Maryland & his Agents have in contempt of his Peace & Authority presumed to violate ye Union & invade ye rights of their fellow Subjects & easily attempted to defend the same by force of arms in a way of plain Hostility. A truth, but too vissible & notorious, for though I am posest of all that Tract of Land on ye West side of ye River & Bay of Delaware, from twelve miles North of Newcastle unto Cape Henlopen containing ye counties of Newcastle, Jones & Whorekills, by deed of feoffment from his Royal Highness James Duke of York & Albany &c. who alwais held ye same peaceably and by his Majesties Authority,) ye s^d Proprietary of Maryland, whilst und^r a seeming amicable Treaty with me about ye Bounds of our Provinces, did in ye month called May 1683,

cause a Proclamation* to be issued forth in his name, to claime ye said Counties & to invite the People thereof to own and plant und^r him & his Authority, & though at first he did deny ye same to my commission^r dispatch to him upon notice of that act of invasion (& two of his Councill then present doing y^e like,) an authentick copy being produced he acknowledged ye same† but too flatt & weaken ye force of it & his denial, he told them, it was a Customery thing & had been done by his Fath^r & was only done by him to keep up his claime & not in desine to molest any that were planted or vnto any to plant there untill ye thing was fairly decided w^{ch} he should wait for And, though even this answer seem'd more feeble than fair in defence of such an action, in a time of Treaty the s^d Proprietary of Maryland did about ye Month called Jan^r last past send one James Murfy a Captain with a letter & instructions to come among ye People of some of those Counties & take their submissions to ye said Proprietary, who did secretly seek to draw them off their obeidience to this Govern^t & to receive him for their Proprietary & Goven^r & as such he has already granted away ye Lands of some y^t seated under his Royall Highness, because such refused to sign a submition to him & his governm^t. Nor did ye Endeavours of ye said Proprietary end here, for on or about ye Month called February last past, George Talbot,‡ one of his Collonells upon Comission received from him in his name did publish a declaration inviting not only all ye inhabitants of these Counties but those of that part of ye Province w^h lyeth betwixt New Castle County & ye River of Schullkill never claymed by him before my time & by me seated wth divers towns, to submit to ye s^d Proprietary of Maryland, and consequently to decline their obeeience to me as Proprietary & Govern^r thereof in divers places, & threatening to take away ye lands of those that refuse & forbiding the payment of my quitrents which seems to carry great contempt to his Majesties express Lett^{rs} Patents & his Gracious declaration thereupon to all the Inhabitants within ye Limits of ye same & not finding those methods powerfull enough to allienate their affections & draw them from their Obedience so expressly commanded by his Maj^y & Royall Highness he ye s^d George Talbot by Commission from the afores^d Proprietary hath presumed to raise a considerable number of armed men & contrary to ye Fundamentell Laws of England pressed divers of his Mat^{ys} Subjects, free men in Maryland to go with him to the bridge upon Christina River being within six miles of ye town of New Castle where he in hostile manner upon a spott of Land belonging to ye Widdow Ogle§ (whose husband came over with Cap^t Carr, that under his mat^y reduced ye place) did forthwith cause a fort to be erected of ye bodies of Trees & raised a Breast Work & pallasaided ye same in which he placed several of

* See this Proclamation in Proud. Vol. I. p. 265, (Note) ibid 275.

† See Talbot's Comm. & demand in Proud, Vol. I. p. 274-5 & Penns answer on p. 277.

‡ See Proud. Vol. I. p. 283, Colon. Rec. Vol. I. pp. 59, 62, 97.

those Armed Men to ye terror of the s^d Widdow Ogle & others of his Mat^{ys} Loyall & loving Subjects of ye neighbourhood & to complete ye work when ye President & High Sheriff of ye County with divers other Magistreates & inhabitants thereof went in a legall way to ye s^d Fort & demanded of ye s^d Coll. Talbott by what Authority he appeared in y^t posture & Invaded ye Right of anothers Territory & perticularly ye estate of a Freeholder in ye County he ye s^d Coll. Tallbot with divers of his Company bid them stand off, presenting their Guns & Musquetts against their brest & he pulling a paper commander like, out of his Bosome s^d here is my L^d Baltimores Comiss for what I doo; the President can see the Proclamation to be presently made in the Kings Name for them to depart according to Law but in ye same Warlike posture they stood and in ye L^d Baltimores name refused to obey in ye Kings name & they do not only continue in Garrison, but some of them say y^t they are sworn to fight for ye L^d Baltimore against all persons whatsoever, at his Comand (without any exception to his Mat^{ys} Subjects or himself) & that they have Authority to Fire upon & kill all such as shall attempt to demolish ye said Fort though * * * * * by the civill Magistrate without any Act of Hostility alleadgeing y^t the L^d Baltimore is their Sovereign And they must do w^t he bids them) ag^t ye King of England be ye English, American Emperor as undoubted by me is ye several Proprietarys & Govern^{rs} under him in ye English Empire are still his Subjects as much as ever they were, which is equally true I humbly submit to better Judgements if it can be thought that their decission of differences amongst themselves in a way of Hostility is anything less then to turn Sovereign & independent Princes & so forgett, supersede, & cancell their Allegiance to his Imperial Authority. That which I have alwaies understood in this matter hath been this; The King of England is as well ye Great Lord Chief Justice to Judge & High Sherrieff to take & give us possession in America as in England & for y^t reason all hostile ways to decide differences of rights between fellow subjects in their subordinate Govern^{rs} (as building Forts & conversing with Match & Bullett evidently are) seem to me to subject ye Law to the sowrd, ye Crown to Force & render ye unhappy Actors of these Tradgedies, Arbitrary & Usurping Sovereigns against their Leige Lord. And if the Crown itself disowns to have ye power of raising arms against subjects not in Rebellion; w^t part ye Proprietary of Maryland hath acted invasion upon ye peaceable Subjects of ye Imperial Crown of England that are actually und^r ye Obedience & protection of ye same I also leave to cleerer & less interested judgem^t to determine.

These things only weighed as they well deserve, I do in the Kings name hereby strictly charge first that no person belonging to this Province & Territory presume to submit to such illegal ways as they will answer it at their perrill. 2^{ndly} That no one presume to Seat any Land within my possest limitts without my warrant, till ye con-


troversey be Legally ended. 3^{dly}. That all Magistrates, Officers & Inhabitants do continue as they have hitherto done und^r his Mat^{rs} Authority in ye way that it hath Gratiously pleased him hi^s Royall Highness to place them & that they use their utmost care & dilligence to seize and apprehend any person whom they shall find in Arms or out of Arms, seducing ye people of this Province & Territories from their Obedience & more especially to seize & apprehend the s^d persons that are engaged in this hostile Invasion of Right, & Great contempt of his Mat^{rs} Authority & them in safe custody to keep to be proceeded against by due cours of Law: Resolving bey ye help of Almighty God since so many unfair and unreasonable things are multiplied one upon ye neck of another on their part after a most patient & fair deportment on mine, to prosecute this matter in a Legal way, committing the issue thereof to God who is my lasting & incorruptible Wittness, that as unsincerely all along as I have been dealt with, I have never prayed with more sincere affection for the continuance of ye dearest comforts of my Life, then I have sought a good understanding and lasting Friendship with that Proprietary; which however shall never hinder ye good wishes I have for ye prosperity of ye Inhabitants of y^t Province for w^tever becomes of ye difference betwixt him & myself ye People of both Governm^{ts} are but subjects of one King & tyed by their alleigance to him as well as by ye Obligation of their mutuall Interest to live peaceably & Loveingly one of another otherwise it were possible for Proprietaries of Provinces, Counties und^r ye same Prince to oblidge ye People under their charg to breake ye peace & cancell their Allegiance to their Sovereign Lord ye King, only to mentain their Fidelity to them & so make ye Blood & Lives of his subjects ye price & means of their covetous & ambitious ends w^{ch} God forbid, though that seems to b^e ye Naturall consequences of these unpresidented proceedings Given at Philadelphia ye 4th day 4 Mo. 1684.*

INDIAN DEED FOR LANDS TO WM. PENN, 1684.

I, RICHARD METTAMICONT, Owner of ye Land on both sides of Pemnapceea Creek, on The River Delaware, do hereby acknowledge y^t of my own accord & freewill, I have offer'd, given & disposed of, & by these presents do give & dispose of all my Land, situated as

* By reference to Colon. Rec. Vol. 1, p. 59, it will be seen that Thos. Holmes, Wm. Welch, & Thomas Lloyd, were appointed to draw up a declaration, & that, the Gov. read it in Council who approved of it generally, 18th of 4 mo 1684 (p. 62,)—it was probably the foregoing.—The original draft is endorsed, (apparently in Penn's handwriting,) "Copy of a declaration agt. Ld Baltimore's Proceedings." There is also a sentence in the margin also by Penn intended to be introduced into the body—but where it does not appear. "What to call this & whether it be a levying war or a high misdemeanor only agt. his Imperial Majesty his Crown & dignity I leave to his just judge, to whom my appeal is, but the King." * * * *

above mentioned, for me & my Heires forever, unto William Penn, Proprietary & Govern^r of ye Province of Pennsilvania, &c., his Heirs & Assignes forever, In consideration of w^{ch} I confess to have received by Ord^r of ye said Govern^r One Match Coat, one pair of Stockings & one Shert; And I do now promise never to molest or trouble any Christians so called, settled upon any part of ye aforesaid Land, by Authority & Order of Governour Penn. Witness my hand & Seal, Philadelphia, ye 7th ye 4th Month, (June,) 1684.

RICHARD  METTAMICONT. [L. s.]
his mark

Sign'd, seald & deliverd in ye p^rsence of

PHILIP TH. LEHNMANN,
TRYALL HOLME.

Indorsed partly by Penn.—"Rich. Mettamicont Deed for Lands on both Sides Pemmapecka Creek."

RECORDED, page 62. ("Book of Indian Deeds and Charters.")
N. B. BOILEAU, Sec'y.

[See Smith's Laws, Vol. II. p. 111.]

INDIAN DEED OF LANDS TO WILLIAM PENN, 1685.

WE, SHAKHOPPOH, SECANE, MALIBOR, TANGORAS, Indian Sake-makers, and right Owners of ye Lands lying between Macopanackan, als Upland, now called Chester River or Creek, and the River or Creek of Pemapecka, now called Dublin Creek, Beginning at the hill called Conshohockin, on the River Manaiunck or Skoolkill, from thence extends in a paralell line to the said Macopanackan, als Chester Creek, by a South-Westerly Course, and from the said Conshohocken hill to ye aforesaid Pemapecka, als Dublin Creek, by ye said paralell line North-Easterly, and so up along the s^d Pemapecka Creek so far as the Creek extends, and so from thence North-Westerly back into ye Woods, to make up Two full Daies Journey, as far as a man can go in Two Dayes from the said Station of ye s^d Paralell line at Pemapecka, also beginning at the s^d paralell at Macopanackan, als Chester Creek, and so from thence up the s^d Creek as far as it extends; and from thence North-Westerly back into the Woods to make up Two full Dayes-Journey, as far as a man can go in Two Dayes from the s^d Station of the s^d paralell line at ye s^d Macopanackan, als Chester Creek, For & in Consideracon of Two hundred ffathom of Wampum, Thirty ffathom of Duffells, Thirty Guns, Sixty fathom of Strowd Waters, Thirty Kittles, Thirty Shirts, Twenty Gimletts, Twelve pair of Shoes, Thirty pair of Stockins, Thirty pair of Sizars, Thirty Combes, Thirty Axes, Thirty Knives, Thirty-one Tobacco Tongs, Thirty bars of Lead, Thirty pound of Powder, Thirty Auls, Thirty Glasses, Thirty Tobacco Boxes, Three papers of Beads, Fourty-four pound of red Lead, Thirty pair of hawkes Bells, Six drawing knives, six Caps, twelve Howes; To us in hand well &

truly paid by William Penn, Proprietary & Governour of ye Province of Pennsylvania & Territories thereunto belonging, the receipt whereof we hereby acknowledge; Do by these presents, Grant, Bargain, & sell unto the s^d William Penn, his Heirs & Assignes forever, all & every the aforesaid Tract of Land, lying between the s^d Rivers or Creeks of Pemapecka and Macopanackan, and from thence Two Dayes Journey backward into ye Woods as afors^d Together wth all Right, Title and Interest, that we, or any others whatsoever, shall or may claime in the same; Hereby for us, our Heirs & Successors & all other Indians whatsoever, Renouncing & Disclaimeing forever any pretence, Claim or Demand whatsoever in or unto the premises hereby sould to s^d William Penn, His Heirs & Assignes, as aforesaid. In wittnesse, whereof, we, the said Indian Sakemakers, have hereunto set our hands & seals this Thirtyeth Day of ye fifth Month, called July, and in the year, according to ye English account, One Thousand six Hundred Eighty & five.

SHAKAHOPPOH, ✕ his m^rke.

SECANE, ✕ his m^rke.

MALIBOR, ✕ his m^rke.

TAGORAS, ✕ his m^rke.

Great men of the Indians :

TARECKHOCCA, ✕ his m^rke.

TENOUGHAUT, ✕ his m^rke.

NESSAKANT, ✕ his m^rke.

KACOCANAHOU, ✕ his m^rke.

NOHATTAS, ✕ his m^rke.

TOUTAMEN, ✕ his m^rke.

TEPASKENINN, ✕ his m^rke.

Sealed and Delivered To Thomas Holme, President of ye Provincial Council, &c., of William Penn, Proprietary & Governour of Pennsylvania & Territories thereto belonging, in the Presence of us.

LASSE COCK,
his m^rke

MOUNS ✕ COCK,
his m^rke

SWAN ✕ SWANSON,

W^m. FRAMPTON,
SAM. CARPENTER,

WILL.

ARTHUR COOKE,

TRYALL HOLME.

Indorsed—"Shakhoppoh, Secane, Malibor, Tangoras grant Lands between Chester River & the River Pemapecka or Dublin Creek, from Upland to Pemapecka, two Dayes Journey back."

Recorded page 63, &c.

N. B. BOLLEAU, Secry.

[See Smith's Laws, Vol. II. p. 111.]

WM. PENN TO THE COUNCIL, 1685.

ESTEEMED FRIENDS AND COUNSELLORS :

I salute you all with true & unfeined love, wishing your temporall & eternal Prosperity, whether I ever or never should see you more.

The noise of some differences that have been in the Province have reached thes parts, with no advantage to the reputation of ye Country. Not entering into ye merits of ye matter, quietness is y^t which in so troubled an Age of ye World has great invitation in it. If any thing be amiss, lett it be by more hidden & gentle ways remedied. An infancy of Government can hardly bear the shakes a riper Age may & sometimes, as a last remedy, must endure.

Heat is no where commendable, but in Government dangerous; so emulation & too much positiveness, or an overweeningness in opinion, next to Religious duty, Selfe denial in the Administration of a Government is both requisite & Laudable. I recommend it to you in prudence & Conscience. If faults are committed, lett them be mended without noise & animosity. the Pomp & clatter of complaint is oftentimes a greater greivance to ye Publick then y^t the thing Complained of. I beseech God to direct you & turn y^r minds to his own good Principle in you of Light & Grace, which brings into and keeps in ye ways of peace & soberness all that Love it. Three things I do in an especial manner recommend to your care & Inspection. first, without respect to Persons, in ye fear of God & for the honor of ye Province, punish vice; lett it not escape y^r righteous rod; tis ye enemy of y^r Country & y^t w^{ch} causes God to leave a People to divers Afflictions, & brings them at last under dismal Providences. I was apt my selfe to be but too mercifull; in y^t follow not my example. the Repentance of ye Person is not enough for the Publick always. Secondly, accomodate y^r differences quietly & quickly; take y^m up in ye Countrys betimes: this prevents charge & animosity & publick Reproach. And to this good work, every man's a Judge or Arbitrater, for it is a duty of good neighborhood in all. Thirdly I beseech you to be kind to strangers, especially the poorer sort, to all be inoffensive & helpful. you are watchmen to ye rest; be therefore carefull, & let a Publick spirit act you in a Publick Station—tis true generation work, for w^{ch} even our Reward is not from men, for as Government is an ordinance of God, so most assuredly the conscientious discharge of our duty therein shall not be left out of ye number of thos good deeds y^t God will recompense at ye last. wherefore in this, lett none run of their own head, lett none be willfull, but all weighty, sereous, & dilligent, least men prophain Govern^t by an unhallowed use of it. God Almighty fitt all more & more, both to command & obey, that God may have his glory, the King his honour & you ye comfort & Just interest & advantage. Amen.

Now for myselfe. I bless God I am well, & last first day at night I obtained at ye Cabinet an order for a speedy hearing wth the L^a Baltimore w^{ch} yesterday by ye Lords of the Plantations was appointed to be this Se^d night; lett right & equity prevale when y^t is finisht, my face will be turning towards you & nothing sooner expedite my returne then the good things I have before recommended to y^r care & execution.

I add no more but ye hearty remembrance of my love and affection to you & y^{rs} & the people of your respective Countys, wishing & praying for you all that God the great Author & fountain of all our mereys & blessings may be with you. Amen.

Your real friend,

WM. PENN.

Kensington, 19th 6th mo., '85.

[From the original in his hand-writing.]

THIS INDENTURE Witnesseth That Wee Lare Packenah Tareekham Sickais Pettquessitt Tewis Essepенаick Petkhoy Kekelappan Feomus Mackaloha Melleonga Wissa Powey Indian Kings Sachemakers Right Owners of all the Lands from Quing Quingus Called Duck Creek unto upland Called Chester Creek all along by the West Side of Delaware River and So betweene the Said Creeks Backwards as far as a man can Ride in two days with a horse for and in Consideration of these following goods to Vs in hand paid and secured to be paid by W^m Penn Proprietary and Gouvnrour of the Province of Pennsylvania and Territories Thereof, Viz. Twenty Gunns Twenty fathom Matchcoat twenty Fathom Stroudwaters twenty Blankets twenty Kettles twenty pounds Powder One hundred Barrs Lead forty Tomahawks One hundred Knives Fourty pare Stocking One Barrel of Beer twenty pound red Lead One hundred Fathom Wampum thirty Glass Bottles thirty Pewter Spoons one hundred Aul Blades three hundred tobacco Pipes One hundred hands of Tobacco twenty Tobacco Tongs twenty Steels three hundred ffints thirty pare Sissers thirty Combs Sixty Looking Glasses two hundred Needles one Skiple Salt thirty pounds Shuger five gallons Mollassis twenty Tobacco Boxes One hundred Juise Harps twenty Hows, thirty Guimlets thirty Wooden Screw Borers & One hundred Strings Beeds Wee hearby Acknowledge in behalfe of Our Selves as Only Right Owners of the aforesaid Tract of Land to Bargain and Sell And by these Presents doe fully Clearly and Absolutely Bargaine & Sell Unto the Said W^m Penn his heirs and Assignes for Ever the aforesaid Tract of Land with all the Wood Rivers Creeks and Appurtenances unto the Same Belonging to be held Used Possessed and Enjoyed by the said W^m Penn his Heirs and Assignes for Ever without any mollestation or hindrance from or by Us or any of Us and from or by any other Indians whatsoever that Shall or may Claime any Right Title or Interest in or unto the Said Tract of Land or any Part thereof. In Witness Whereof Wee have hereunty Set our hands and Seals at New Castle the 2^d day of the Eighth month 1685.

Signed sealed and delivered unto Cap^t Thomas Holme Survey^r Gen^l of ye Province of Pennsylvania to & for ye use of William Penn Esq^r Proprietary & Govern^r of ye afores^d Province & Territories thereunto belonging in the presence of us

PIETER ALRICKS

LASSE COCK

PHILIP TH LEHNMANN

JAMES ATKINSON

The Mark of

TAMMA ✕ QUARAN

The Mark of

OWEG ✕ HAM

CHRISTOPHER GORE
The Mark of
JOHN \bowtie WALKER
EDWARD LARE
JOHN MANDY

The Mark of *
OWEG \bowtie HAM
The Mark of
LIK \bowtie HAMM
The Mark of
PATASKO \bowtie
The Mark of
MACK \bowtie RASHUTE

Hermanus Alrichs of the City of Philadelphia Gent Grandson of Pieter Alrichs late of the County of New Castle on Delaware Gent deced maketh Oath on the holy Evangelists of Almighty God That he having viewed this writing indented,—doth verily believe that the Name Pieter Alricks thereon indorsed as a witness to the signing sealing & delivering thereof by the several Indians within named is the proper hand writing of him the said Pieter Alrichs For that the same appeareth exactly to agree with other of his Hand Writing in this Deponents Custody

HARM^s ALRICHS

Sworn at Philadelphia
the twentyfirst day of April
A^o Dⁱ 1735 Witness my
Hand & Seat

SAM^L HASELL

Entred the within written Indenture & ye Indorsm^t thereon In the Office for recording of Deeds for the City & County of Philadelphia in Book F Vol 8 Page 121. &c The 21st Day of April A^o Dⁱ 1735
p me C. BROCKDEN Rec^{dr}.

John Durborow of the City of Philadelphia yeoman son in Law of James Atkinson late of the same City merchant deceased (he the said John Durborow being one of the people called Quakers) upon his solemn affirmation according to Law doth depose and Declare That having view'd this writing indented he doth verily believe That the name James Atkinson thereon indorsed as a Witness to the signing sealing and delivering thereof by the several Indians within named is the proper Hand Writing of the said James Atkinson For that the same appeareth exactly to agree with other of his Hand writing in this Deponents Custody

JN^o DURBOROW

Affirmed at Philadelphia
the twenty first day of April
A^o Dⁱ 1735 as Witness my
Hand & Seal

EDWARD ROBERTS

"Lare Packenah, Tareckham &c grant their Lands between Duck Creek & Chester Creek

Recorded page 67 &c

N. B BOILEAU Sec^r

* These names are indistinct.

PROCLAMATION CONCERNING CUTTING OF TIMBER AND CLEARING OF LOTTS IN PHILADELPHIA AND SUBURBS 1686.

WM. PENN, P. Gr.* By WILLIAM PENN, Proprietary and Governor.

Since justice in all things ought to be observed It ought not for y^t reason in ye least thing to bee neglected and for y^t end I took great care whilst I was in ye Province among ye rest to prevent People cutting Wood and especially Timber off from other mens Lotts, and foreseeing ye scarcity y^t would quickly follow, I did appoint a Woodsman who was instructed to graunt such Trees as belonged not to any private Purson, and in such number as ye case deserved and for his pains to receive 6^d per tree. And in as much as I am credibly informed y^t some of ye People of Philadelphia have been very irregular and injurious herein. I doe hereby desier and strictly order my loving friends and Com^{rs}: William Markham, Thomas Ellis and John Goodson dilligently to inspect this matter and to cause such as shall from time to time be found offenders to be effectually and Impartially Presented according to Law in ye case provided. And because one of ye evil consequences of destroying ye Timber soe irregularly has been the growth of Underwood, which does not only hinder ye Town stock of ye benefit they might else have, and render ye Town more a Wilderness, but if not cleared and prevented may become a common Nuisance, by being a Covert for Vermin and too often for loos and evil persons, I have thought fitt to require my said Comm^{rs} and they are hereby ordered to present this to ye Inhabitants of ye Town whose accomadation has been for ye most part ye cause of this inconvenience, and they allsoe are hereby required to take some effectuall cours to clear the ground of such under-woods with all convenient speed.

Given at Worminghurst Place in old Engl^d ye 26th of ye 11th Mo 1686.

COMMISSION & INSTRUCTIONS TO SIR. R. HOLMES, RESPECTING PIRATES 1687.

[Locus Sigilli] James R

James the second by the Grace of God King of England Scotland France and Ireland Defender of the Faith &c. To Our Trusty and Welbeloved S^r Rob Holmes Kn^t. Greeting. Whereas upon taking notice of the Prejudice arising to Trade by the great number of Pirats in the West Indies who dayly commit Robberies as well upon Our Own Subjects as Our Allies, We have thought fitt to send a Squadron of Ships into those Parts under your Command for suppressing of the said Pirats and Privateers either by force or assurance of pardon and have nominated and appointed you our Sole Commissioner in that Affair. We Do hereby promise and Declare and Do further authorise and impower you to make the same known unto all Persons whom it may concern, that in case any such Pirats or Privateers shall within Twelve months from the Date hereof either in Person

* Signed on the margin.

or by their agents Surrender or become obliged to surrender themselves unto you or any other appointed by you or shall give sufficient security to be approved of by you of their Future good behaviour, We will upon such humble submission and after such securities given Grant unto such Pirat or Pirates, Privateer or Privateers in what part of the World soever they be, Our Gracious full and ample Pardon for all Piracies or Roberies Committed by them upon the Sea or Land before the Date of these Presents, Given at our Court at Bathe the 21st day of August 1687 in the third year of our Reign.

By His Majesties Command
Sunderland P.

PROCEEDINGS OF PROVINCIAL COURT, 1681.

At the Provincial Court hold by the King's Authority, and in the Name of William Penn, Esq., Proprietary & Govern^r. of the Province of Pennsylvania & Territories thereof, At Philadelphia, the 24th of the Seventh Month, 1687, Being the 3^d year of the Reign of King James the Second, over England, &c., And in the 7th year of the said Proprietary's Governm^t. Before Arthur Cook & John Simcock, Two of the Judges appointed for the said Court. &c.

For as much as This Court is given to understand That it is the Govern^r's will and pleasure That the Provincial Court should take Ord^r with those that refuse to pay their Quitrent, Or do not pay the same when demanded. Wherefore this Court, taking into their serious Consideracon what may be most proper remedies in that behalf, Doe, by the King's Authority, and in the said Proprietary and Govern^r Name Ord^r and command all Sheriffs of this Province and Territories, (for the time being,) in their respective Countys, during the continuance of their respective offices well and truly to collect, levy and gather, All Fee, Farms, Quitrents, and arrears thereof, due and payable to the said Proprietary and his Heirs by and from any person or persons within their respective Baylywicks, according as in the Schedule or Schedules hereunto from time to time annexed, (under the Secretarys hand, is and shall be specified and directed, And upon the payment of the same or any part thereof upon demand,) Then they, the said Sheriffs, are hereby ordered and appointed in their respective Balywicks to distrain for the same. And such distress to take away, drive and Sell, And after sale to render the overpluss to the owner or owners thereof, if any be. And where no distress can be found, Then without delay, to take and Seize, into the said Proprietarys hands, All the Lands & Tenem^{ts} with their appurtenances belonging to such person or persons and their Heirs as, are or shall be so in arrears, as aforesaid. And the Issues and profits thereof to the said Proprietarys use, to answer until further Ord^r therein to be taken by the Provincial Court, and that the s^d Sheriffs,

and every of them, do, and shall, from time to time, certify and yield a true account of their proceedings in and about premises to every Provincial Court to be held Twice a year, According to Law.

By the Court,
DA. LLOYD, Ck. Cur. Province. P^a.

INSTRUCTIONS RESPECTING PIRATES, 1687.

James R.

Trusty and Wellbeloved, Wee Greet you well.—Whereas, Wee have received frequent Informations from our Several Colonies, and Plantations in America, That instead of a due Prosecution of Pirats that have been seized either upon the High Sea or upon Land, an unwarrantable practice has been carried on to bring them immediately to their Tryals before any Evidence could be produced against them, and That such other methods of like nature have been used, whereby the most notorious Pirats have, as it is well known, either by the Facility or partiality of the Juries been acquitted of the Crimes whereof they stood accused, and so permitted with their ships and confederates to continue their accustomed Piracies to the great detrimt off Trade and prejudice of The Subjects of Our good Brother, the Catholick King, and our other allies. Wee being therefore willing to put an end to such evil practices, and to cause the most severe, and impartial Prosecutions to be had against a sort of people who are so destructive of humane Society and Commerce, Wee have thought fit to take this matter into our most serious consideration, and amongst other necessary Provisions for the suppressing of Pirats, Wee Do hereby strictly charge and require you and all our Officers and Loving Subjects under your Government, to take all possible care, and use all Due means to Seize and apprehend all Pirats and Sea Rovers ; their Confederates and Accomplices, with their Ships, goods and Plunder, and the said Pirats, and accomplices to cause to be streightly imprisoned and kept in safe Custody with their Ships, Goods and Plunder, untill our Royal Pleasure shall be known concerning their being respectively prosecuted. Such Pirats or Privateers, their Confederates and accomplices, onlyexcepted, who shall lay hold of and Deserve Our Gracious Pardon in pursuance of Our Declaration directed to Sr. Robert Holmes, Our Sole Commissioner in that behalf; bearing Date the 21st day of August last, a Copy whereof wee send you hereunto annexed for your Information. And Wee do further strictly charge and require you not to grant any pardon unto such Pirats or Sea Rovers upon any pretence whatsoever, nor to permit them to be brought to Tryal, untill upon signification of their Crimes to us or upon the arrival of the said Sr. Robert Holmes, time and opportunity may be allowed to all parties concerned for the bringing of evidence against such malefactors from the Parts or Places where the Piracies or Robberies have been committed, and That

Wee shall have given such necessary orders for their Prosecution and Tryals as to law shall appertain and most effectually conduce to the suppressing of Pirats and Privateers in America. Given at our Court at Whitehall, the 13th Day of October, 1687, in the Third year of our Reign.

By His Maties Command,

SUNDERLAND P.

“To our Trusty and Wellbeloved Wm. Penn, Esq., Proprietor of our Province of Penns^a., in America.”

INSTRUCTIONS TO WM. PENN RESPECTING WRECKED TREASURE, 1687.

JAMES R.

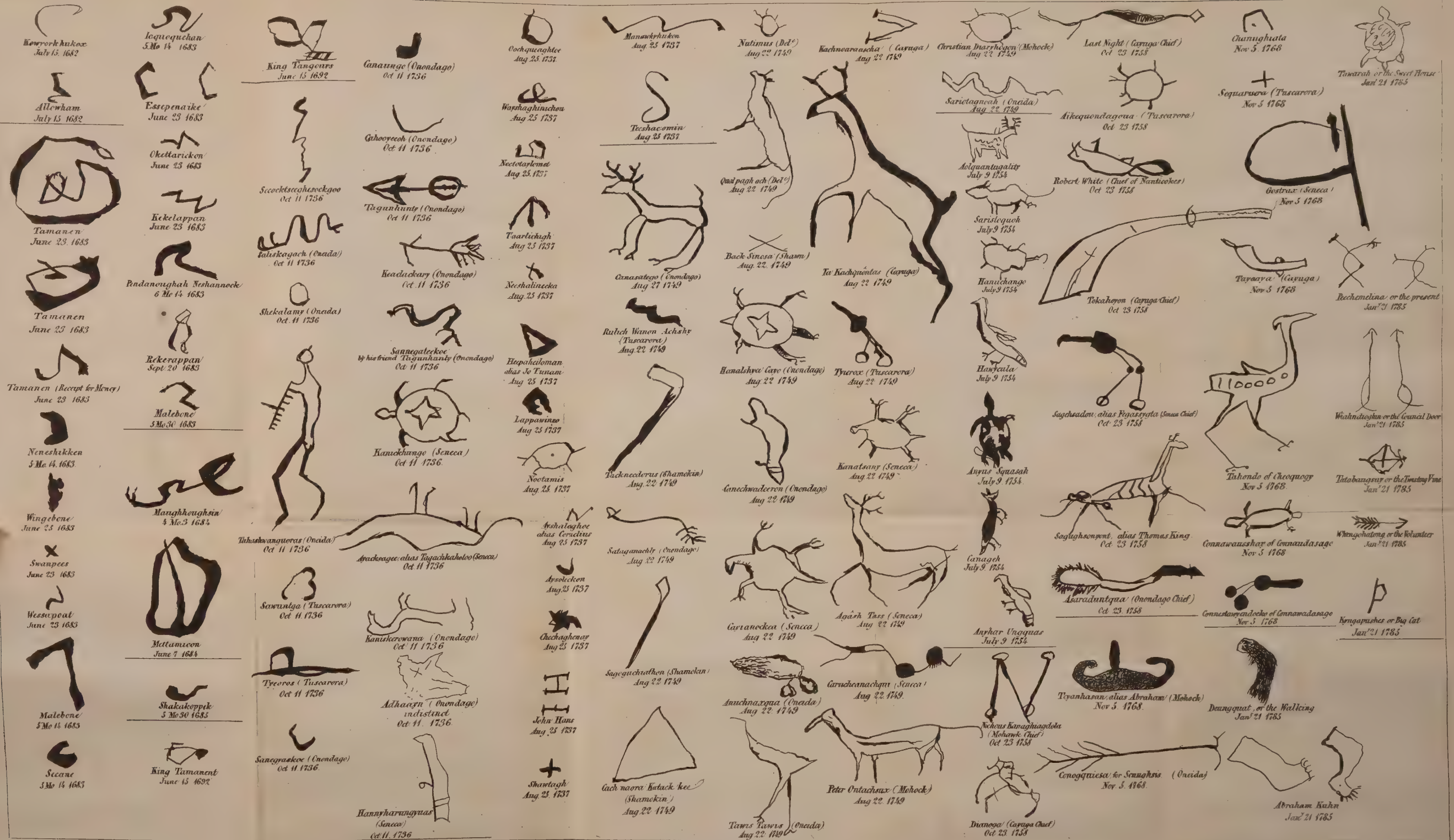
Trusty and Welbeloved Wee Greet you well. Whereas a Wreck has been lately discovered near the Coast of Hispaniola, from whence a considerable quantity of Silver and other Treasures has been taken up, and carried to divers parts of Our Dominions in America by several of Our subjects there, who continue to search for and take up Silver and other Treasure from the said Wreck; and one full moiety of all Treasure and Riches taken up, on, out of or from the bottom of the Sea, being, by the ancient Ordinances of the Admiralty, due vnto Vs as Lord High Admirall according to the Report, or Certificat of Our Judge of our High Court of Admiralty and Judge Advocat; Weedoe therefore hereby strictly charge and require you and all other Officers vnder your Government to take care that one moiety or half part of all Plate, Silver, Gold or Treasure of any kind taken up out of the said Wreck near Hispaniola, or from any other Wreck whatsoever which hath lately been brought, or shall bee brought into the Plantation under yo^r Government bee duly recovered and received for Our vse without admitting of any excuse or pretence whatsoever either of paying Our Tenths, or of any Contract Commission or Order from any Person or Persons vnder colour of Letters Patents or any other grant from vs. Wee having reserved all matters of dispute in that behalf vnto Our Royal Determination. And of your proceedings herein you are from time to time to give an account vnto the Commiss^r of Our Treasury, to the end you may receive Our further directions for the disposal of all such Treasure and Riches as shall bee recovered and received by you in Right of Our Admiralty as aforesaid. And soe Wee bid you farewell. From Our Court at Whitehall, this 22d day of October, 1687, in the Third year of our Reign.

By His Mat^{ys} Command,

SUNDERLAND, P.

To our Trusty and Welbeloved Wm. Penn, Esq^r, of Our Province of Pensilvania, in America, for the time being.

INDIAN AUTO-GRAPHS FROM 1682 TO 1785.





ORDER OF THE PRIVY COUNCIL AGAINST PIRATES, 1687.

JAMES the second, by ye Grace of God, King of England, Scotland, France and Ireland, Defender of the Faith, &c.

To all to whom these presents shall come, Greeting: Know yee that Wee taking notice of the prejudice arising to Trade by the great number of Pirates in America, who dayly commit Robberies as well upon Our own Subjects as our allies, have thought fitt and resolved to send a Squadron of Ships unto those parts, under the command of our Trusty and Welbeloved S^r Robert Holmes, kn^t, for Suppressing of the said Pirats and Privateers, and have been graciously pleased to declare in case any such Pirats or Privateers shall within Twelve monthseither in Person or by their agents, Surrender or become obliged to Surrender themselves to the said S^r Rob^t Holmes, or any other appointed by him, and shall give sufficient security, to be approved of by the said S^r Rob^t Holmes of their Future good behaviour, Wee will thereupon grant unto such Pirat or Pirats, Privateer or Privateers, a full Pardon of all Piracies or Roberies committed by them upon Sea or Land, before the Date of the said Declaration, And know yee further that for the better Encouragement of the said S^r Rob^t Holmes to undertake so great a Service of Our especial Grace, certain knowledge and meer motion, Wee have given and Granted and by these presents Wee do give and grant unto the said S^r Rob^t Holmes all and all manner of Wares, Merchandises, Goods, and Chattels whatever, of what nature or kind soever, belonging, or which do or shall belong to any of the said Pirats or Privateers, or which be or shall be piratically taken by them or any of them either on board any ship or vessel, or upon the land in any part or parts of America, or any the Islands or Seas, Limits or Territories thereof, whensoever or wheresoever the same shall be found within and for and during the space of Three years next ensuing, the Date hereof, and all Our Right, Title, Interest, Claime, and Demand whatsoever of, in or unto the same and every part thereof, To have, hold, take, receive and enjoy, all and singular the premises hereinbefore mentioned and intended to be hereby granted unto the said S^r Robert Holmes, his Executors, Administrators and Assigns, to his and their own proper use and Benefit, and as his and their own proper Goods and Chattels without any accot thereof or therefore to be made or rendered to us our Heirs or Successors, And Lastly Wee do hereby declare and Grant that those Our Letters Patents, or the Enrollment thereof shall be in and by all things firm, valid, sufficient and Effectual in the Law notwithstanding the not naming or not rightly naming the premises, or any part thereof, or the true value or the nature or kind thereof, and Notwithstanding the not finding of any Inquisition or Inquisitions of or concerning the premises or any of them, and notwithstanding that no mention is made of the said Pirats or Privateers or possessors of the said Goods and Premises or any part or Parcell thereof, And notwithstanding the ill naming or not naming

of any Seas, Havens, Countries or Places whereon or in which the premises hereby granted or any part or parcell thereof, is or are, shall or may be found. And notwithstanding any Act, Statutes or other Restrictions whatsoever, or any other incertainty Defect or Imperfection whatsoever. In witness whereof Wee have caused these Our Letters to be made Patents. Witness Ourself at Westminster, the Twelfth day of November in the Third year of our Reign.

By Writt of Privy Seale,

PIGOTT.

INSTRUCTIONS TO WM. PENN RESPECTING PIRATES, 1688.

JAMES R.

Trusty and Welbeloved, Wee Greet you well. Whereas for the better suppressing of Pirats and Privateers in America, Wee have thought fit to issue out our Royal Proclamation bearing date the Twentieth day of January* in the Third year of our Reign, whereby Wee are graciously pleased to promise our full and ample Pardon unto all Pirats and Privateers under the Conditions therein at large expressed, as also to declare our will and Pleasure, that in case any Pirat or Privateer shall, in contempt of our Princely mercy unto them thereby offered, wilfully and obstinately persist in their accustomed Piracies and Outragious practices, or shall not surrender themselves in the manner therein directed, All and every such Person or Persons shall be pursued with the utmost Severities and the greatest Rigor that may be, untill they and every of them be utterly suppressed and destroyed. We do hereby direct and require that upon the receipt of a printed copy of the said Proclamation herewith sent unto you, you cause the same to be forthwith published within your Government, and that in the Execution thereof you and all our Officers and Ministers whatsoever be ayding and assisting to our Trusty and Welbeloved S^r Rob^t Holmes, Kn^t, whom Wee have constituted and appointed Our Sole Commissioner in that affair, and to all persons appointed by him, And whereas for the better Encouragement of the said S^r Rob^t Holmes to undertake so great a service, Wee have been pleased to give and grant unto him all manner of Wares, Merchandises, Goods and Chattels whatsoever of what nature or kind soever of or belonging or which do or shall belong to any of the said Pirats or Privateers, or which be or shall be piratically taken by them or or any of them, either on board of any ship or vessel or upon the Land in any Part or Parts of America, or any the Islands or Seas, Limits or Territories thereof whensoever or wheresoever the same shall be found within and for and during the Space of Three years, and all Our Right, Title, Interest, Claime and Demand whatsoever unto the same and every part thereof, To have, hold, take, receive and enjoy the same unto the said S^r Rob^t Holmes, his Executors, Ad-

* See Colonial Records, vol. i. p. 185, where it is directed to be published.

ministrators and Assigns, to his and their own proper use and benefit, and as his and their own proper Goods and Chattels, without any account thereof or therefore to be made or rendred to us, Our Heirs and Successors as by the said Letters Patents a copy whereof is likewise herewith sent you, may more at large appear, Wee do therefore hereby strictly charge and Command you and all officers of our Revenue and others whom it may concern within your Government to pay, deliver, answer and make good, or cause to be paid, delivered, answered and made good unto the said S^r Rob^t Holmes or his Assigns, all such Wares, Merchandise, Goods and Chattels of or belonging to Pirats or which shall have belonged or shall belong to any Pirats or their accomplices in what hands soever they shall be found according to the full intent and meaning of our above recited Letters Patent for which the acquittance of the said S^r Rob^t Holmes or of his Assignee shall be a sufficient discharge. And so wee bid you farewell. Given at our Court at Whitehall, this Twenty-second day of January, 1687-8, in the Third year of our Reign.

By His Maj^{ty} Command,

SUNDERLAND, P.

“To our Trusty and Welbeloved William Penn, Esq., Proprietor of our Province of Pensilvania, in America.”

SUNDERLAND TO WILLIAM PENN, 1687-8.

James R:

Trusty and welbeloved, Wee greet you well—Whereas for the composing of several disputes and differences that have arisen between our subjects and the subjects of our good brother the most Christian King in America, and for the preventing further occasions of controversy in those parts, we have lately thought fit to constitute and appoint Commissioners to treat with the Commissioners appointed by our said good brother the most Christian King, for the purpose aforesaid, as also to settle and determine the Bounds and limits of the Colonies, Islands and Territories within our respective Dominions or depending on us in America; For the accomplishment whereof, a further time will be requisite in regard of the distance of those places from whence the necessary Informations are to be received. Wee have therefore authorised and Impowered Our said Commissioners to sign and seal an Instrument with the Commissioners of the most Christian King, for the preventing all acts of Hostility or violent proceedings between Our respective subjects, A Copy whereof is herewith sent unto you; And wee do accordingly expect from you a Conformity to Our directions herein, by avoiding all occasions of misunderstanding between Our Subjects and those of the most Christian King, without permitting any hurt to be done them in their Persons or Estates untill the ¹¹ day of January, 1688, and after that time untill Wee shall send you New Orders under Our sign manual, It being Our pleasure that you entertain a good

Correspondence with the Governors and officers of the said King in those parts, and take care that no just Complaint be brought unto us against you in that behalf.

And so wee bid you farewell, From our Court at Whitehall this 22^a day of January, 1687, in the third year of Our Reign.

By his Ma^{ty} Command,

SUNDERLAND, P^a.

"To our Trusty and well beloved William Penn, Esq^{re},
"Proprietor of our Province of Pensilvania in America."

LETTER GOV. THOMAS DONGAN, N. Y. 1688.

Gentlemen:

The French having in May last [invaded] ye five Nations of Indians that live in this Gov^t, the King has graciously pleased to Receive them ffor his Subjects, and sent orders to me to protect them as such, ye Copy of w^{ch} ord^r I herewith send you.

The last summer I rased 500 foot, fifty riflemen, 800 Indians, w^{ch} is a vast Charge, and this Govenment in no wise able to bear it, therefore, I Desire y^t you will consider how necessary it is ffor the King's service and y^r own security as of this province, & that [you] will help us wth some money ffor the Discharge of the Great Expence wee are at: The same I Desire of Virgenia, Maryland and East and West Jersey. The Government of Boston being to [help] vs with Six hundred men any other assistance cannot be proposed ffrom them.

Wee have been at more than ten thousand pounds Expence already.

I Desire ye ffavour of you, that whatever you [do] in this affair may be done with all possible despatch: if ever you have occasion, you shall have the same assistance ffrom hence.

What I Desire of you is by the opinion and advice of the Councill of this Province.

I am, Gent'men,

Yc^r most humble Serv^t,

THOS. DONGAN.

New York, March 30th, 1688.

James R:

Trusty & well beloved, wee greet you well; We have been made acquainted by yo^r Lett^r to our Right trusty and Right well beloved Cousin & Counsellor, Rob^t Earle of Sunderland, Presid^t of our Councill and our Principal Secretary of [State, dated on] ye 8th day of September last past, and by other papers transmitted by you, with the late attempt that has been made by ye French upon ye ffive Nations or Cantons of Indians, who ffrom all times have submitted themselves to our Govern^t, and by their acknowledgements of our

Sovereignty, are become our subjects as [well as] with ye Injurious proceedings of ye french in seizing and Detaining in Canada Divers of our Subjects as well Indians as others, Wee doe desire

first. That upon ye receipt hereoff you forthwith demand from ye Gove^r of Canada [the] setting at Liberty our said Subjects, as well Indians as others, surprised by them in the Lawfull prosecution of their trade, together with the Restitution of their Goods & Effects: And as wee are Sensible of what great prejudice it may be to us and our subjects, if any Enroachment be allowed upon our Dominions, or the french permitted to [invade] the Territories of s^d antient Subjects without due care in vs to preserve the peace of our Govm^t and to give all due protection to such as have brought themselves under our subjection, We doe therefore hereby Charge & Require you to give Notice at ye same time to ye s^d Gov^r of Canada that upon mature Consideration wee have thought fitt to own ye said Nations or Cantons of Indians, viz: of Maquas, Senecas, Oney-

das and Onandagos, as our subjects: Nevertheless, upon any information of any Injury offered, or w^{ch} shall be offered by them to any of ye Subjects of our Good Prince, the most Christian King, to cause, as we doe hereby Direct you, to cause entire satisfaction to be made ffor the same, and ye Indians with held from Desturbing ye french in any manner whatsoever, Provided they doe abstain on their part from making war upon those Indians our subjects, or doing any injury: and in case ye people of Canada shall, notwithstanding this Declaration Persevere in Inwading our Dominions and annoy those Indians, you are with ye utmost of y^r Power to Defend and Protect them, and if need shall Require, collect [the] army and Imploy all persons Residing in y^r Governm^t Y^t Resisting and withstanding the Incursions or attempt of ye french; and if there shall be occasion to persue in or out of the limitts of the said Government, doe and Execute all and Every other thing w^{ch} you ffind necessary ffor ye Protecting our Subjects, preserving our Rights in those parts.

And ffor ye better performance thereof, wee hereby Give our full Power and Authority to Erect and Build such fforts Castles, Platforms, in such place or places as to you shall seem requisite ffor this service.

And in case it shall happen, you shall think the aid & assistance of our neighbouring Collonies may be usefull, you are to give notice thereof to our Seaverall Goven^{rs} & Proprietors in any of our Plantations upon the Continent of America, where wee have already sent orders to afford such help as ye Exigency shall Require, and ffor so doing this shall be yo^r warr^t. Given at our [court] at Whitehall ye tenth day of November, 1687, And third year of our Reign.

By his Maj^{ty}s Com^d,

SUNDERLAND.

[The foregoing document is very much mutilated by time.]

INSTRUCTIONS TO WM. PENN ON BIRTH OF A PRINCE,* 1688.

After Our very hearty Commendations, It having pleased Almighty God, about Ten of the Clock this morning, to blesse his ma^{ty} and His Royall Consort the Queene, with the Birth of a hopefull Son, and his ma^{ty}s Kingdoms and Dominions with a Prince, His ma^{ty} hath Commanded us to Signify the Same unto You, And to pray and require you to cause notice thereof to be forthwith given by Proclamation throughout his ma^{ty}s Plantation under your Government, & thereby to appoint such days as well for a Solemne thanksgiving to Almighty God for this inestimable Blessing, as for Such other Expressions of Publick Rejoycings, Suitable to this great occasion, as you shall judge fitt, And so not doubting of your ready Compliance, herewith Wee bid you very heartily farewell. From the Councill Chamber in Whitehall this 10th day of June, 1688.†

Your very Loving Friends,

SUNDERLAND, P.
POWIS,
CRAUEN,
MIDDLETON,

CASTLEMAINE,
W. BUTTLER,
E. PETRE,

WILLIAM BLATHWAYT.

“Proprietor of Pensilvania to Proclaim the birth of the Prince, &c.”

“To our very Loving Friend, William Penn, Esq^r,
“Proprietor of his maj^{ty}s Province of Pensilvania,
“in America.”

JOHN BLACKWELL TO PRESIDENT LLOYD, 1688.‡

A DUPLICATE OF LETTER SENT BY JOHN JAMES.

WORTHY S^R.

I lately received a Letter from the Hon^{ble} William Penn, Lord Proprietor of the Province of Pensilvania, in closing a Comission under his hand & Seale, dated the 12^o of July, 1688, thereby nominating & appoynting me Governor of the said Province & Countyes annexed under him; and empowering me therein, as amply & fully as his Comission to the Provinciaall Council; and that to the Five Commion^{rs} of State did empower them: Also desiring & requiring me, till further order, to follow the instructions sent from time to time to them, in order to the good Governm^t & well being of the sayd Province, &c. And, (besides what's further conteyned in the sayd Comission, which I shall communicate to you & them upon my arivall) by his said Letter, dated the 12^o of August following, hath Recomend^d to me some persons by name (particularly yourself the President and other of the sayd Council & Com^{rs}) for my advice &

* James III. or the Pretender. See Macawley, Vol. II. p. 276.

† See Colon. Record, Vol. I. p. 185, where proclamation is ordered to be made in each Co., with directions.

‡ Gov. Blackwell arrived December 17th, and was present at Council on the 18th, with his commission.—See “Colonial Records,” Vol. I. p. 185.

assistance therein : Referring me also to the perusall of his publiq letters & instructions with the Lawes, and giving me grounds to Expect, that, in a while (and together with the Receives he is sending over) I shall have other directions from himself. In pursuance whereof I am preparing, with what convenient speed I can, to be with you before the winter season be much more advanced, w^{ch} is now entred with some severity allready in these parts. But some time must necessarily be allowed me for settling my affayrs here, before I begin my journey : And upon consideration thereof, meeting with this conveyance, (as well for some necessaryes which I have sent beforehand, as for the intimation of the premises, that my coming may not be a surprisall to you,) I have conceived it will be some discharge of my duty & trust early to advertise you, & request your communicating of these my Letters to the Councill & Com^{rs} concerned, in the present managem^t of that Government, with the intimation of my desire & Expectation, that, in the interim, (& notwithstanding this advertisem^t of authority to mysele,) both you & they will use your wonted dilligence & care, So to Govern & administer justice amongst the people & inhabitants of all sorts, according to ye Comissions, publiq letters, instructions & Laws aforementioned, as you would be imitated by me for the future, wherein, though, I must needs believe, your sole continuance would have been to much more advantage of the Hon^{ble} Proprietor & Province, than can be Expected from me, who am much a stranger to the Governm^t & Laws established amongst you, and, for that I must be advised in the particularities of both by you, according to instructions for that purpose, Yet, Having received such Comission I shall indeavor the best I can to write after your copy therein. And in the meanwhile, your compliance with this my request shall be duly resented as an evidence of your love to your contrey, and particular respect to the Proprietor & mysele ; upon which accounts I shall presume on you. I purpose, God willing, to be at New York in about 3 weeks from the date hereof : And would gladly meet there some person of your appoyntm^t to conduct me thence through New Jarsey. If by the unseasonableness of the weather, or otherwise, I should be delayed a few dayes longer, he may there awayt my coming, And if I come sooner thither, I will hope to finde a like conveyance of my owne procurement there. Pardon this trouble given you by,

S^r.

Your truly affectionate friend,

Boston, in New England, }
 Novemb^r 11th, 1688. }

JOHN BLACKWELL.

Directed.

"For my much esteemed friend,

" President LLOYD,

" At Philadelphia,

" In Pennsylvania,

" these."

MEMORIAL OF INHABITANTS OF THE WELCH TRACT, 1690.

At a meeting the Comm^{rs}, 25th of 8ber, 1690.

PRESENT :

Wm. Markham, John Goodson, & Robert Turner.

"By the Comm^{rs} for granting lotts & lands, they taking into consideration the great quantity of land lying West & unsettled within a tract of about 40,000 Acres, commonly known by the name of the Welch tract, the want of seating & improving of which has been of great damage to the proprietary & of exceeding loss & hindrance to the well seating & strengthening the province; several Honest, able & substantial persons having either left it for want of such convenient seats that are unsettled in that tract, or hindered from seating such as have been formerly laid out unto them in it. In order to an accommodation both to the service of the Proprietor, the good of the Inhabitants of the said tract and the common benefit & welfare of the Province, *Resolved*, that notice be given unto Dav^d Powell, or some other purchaser concerned in the said tract, that they show cause why the land not laid out, or not seated & improved, (within the said tract,) according to regulation, may not be disposed of as other lands within this province, for the Hearing of which the Comm^{rs} intends, God willing, to sit in Philad^a, the 19th of the next month."

[No. 10 Book of Minutes, 1689 to 1693, page 25 — Secretary's Office, Harrisburg.]

At a meeting of the Comm^{rs}, the 19 9ber, 1690.

PRESENT :

W^m. Markham, R^t. Turner, J^{no}. Goodson, Sam^l Carpenter, Griffith Owen, with several other purchasers who have an interest in the Welch tract, was this day with the Comm^{rs} according to notice to D^d Powell, bearing date the 28th of last month. They requested a longer time to give their answer to the Comm^{rs} proposal, which was granted until the 13th of next Month.

[Ib. p., &c.]

At a meeting of the Comm^{rs}, 13th of 10 mo., 1690.

Griffith Owen, with other inhabitants of the Welch tract, came & gave in a paper to the Comm^{rs} w^h follows verbatim, (Vid. 25 8ber & 19 9ber):

"Wee, the Inhabitants of the Welch tract, in the Province of Penn^a, in America, being descended of the Antient Britains, who always in the land of our Nativity, under the Crown of England, have enjoyed that liberty and priviledge as to have our bounds and limits by ourselves, within the which all causes, Quarrels, crimes & titles were tryed & wholly determined by officers, magistrates, Juries

of our own language, which were our equals. Having our faces towards these Countries, made the motion to our Gov. that we might enjoy the same here, w^h thing was soon granted by him before he or we ever came to these parts, and when he came over, he gave forth his warrant to lay out 40,000 acres of land to the intent we might live together here, & enjoy our Liberty & Devotion in our own Language as afore in our Country, & on the 40,000 acres was Surveyed out and by his own warr^t Confirmed by several Orders from the Comm^{rs} of ye Propriety, and settled upon already with near fourscore Settlements, and as we have good grounds to believe if the way had been Clear from troubles, there might had been so many Settlers upon it by this time as in Reason it could contain, and besides as it is well known there was several scores of our men Serv^{ts} who was very desirous to have out their head land, according to promise, but could have none with any convenientcy that was worth to settle upon, whereby many are like to desert the province and to go to other Countries; Also some of our Friends that have concerned themselves with the first that came to this Country, have lived awhile here & returned again for their families, Friends & Relations, that had disposed themselves to come over with all speed, if Providence had permitted, and, as far as we are given to understand, are still waiting for the opportunity to their great Dammage; and now to deprive these of their lands & Libertys which they Depend upon when coming here, (& that in their absence) we look upon it to be a very unkind Dealing, like to Ruin many Families, as also a subtell undermining to shutt that Door against our Nation which the Lord had opened for them to come to these Countreys, for we can declare with an open face to God and man that we Desired to be by ourselves for no other End or purpose but that we might live together as a Civill Society to endeavour to deside all Controversies and debates amongst ourselves in a Gospel order, and not to entangle ourselves with Laws in an unknown Tongue, as also to preserve our Language that we might ever keep Correspondence with our friends in the land of our Nativity. Therefore our request is, that you be tender not only of violating the Governor's promise to us, but also of being Instrumentall of depriving us of the things which were the Chief Motives & Inducements to bring us here, and that you would be pleased, so far as in you lies, to preserve us in our properties by removing all such incroachments as are made upon the Lines & Boundaries of our said tract, and by Pattent or otherwise in Due form of Law to Establish and Confirm the same unto us, so that we may not by any further pretences be interrpted in the peaceable Enjoyment thereof, According to the Governor's true intent, & then we shall report and submit to his Consideration, & if these our reasonable Desires be not answered, but our Antagonists gratified by our being Exposed to those uncertainties that may attend, we shall choose rather than contest to suffer & appeal our Cause to God and to our friends in England."

At a meeting of the Comm^{rs}, ye 20th of 10ber, 1690.

PRESENT :

W^m. Markham, Rob^t. Turner & J^{no}. Goodson.

The Comm^{rs} ordered that the paper that was given in the last sitting by the Inhabitants of the Welch Tract, should be read over again, was accordingly done, & having considered of the same & found not to answer the propositions make by the Commissioners to them. Ordered that the Comm^{rs} propositions be drawn up in writing, to be delivered to them which follows verbatim :

BY THE PROPRIETORS COMM^{RS}.

To the inhabitants of the Welch Tract.

The Proposition that was made to you by us was, That there being 40,000 acres of land actually surveyed & laid out & known by the name of the Welch Tract, And there being Regular Returns thereof made in form & manner, as other purchasers Lands are, by which we know (and by no other means can) how to charge each Tract of Land with its Quit rent, & therefore in course & according to the Method w^h has hitherto been used, we have charged the said Tract 40,000 acres as other tracts of the like purchase are. But least it should surprize you or give Suspicion of an unneighbourly or unfriendly act, we gave you timely notice for a Conference with us about it, & afterwards a considerable time to make your answer, which you gave in writing, 13 inst., the which we have very deliberately considered & find the major part of the writing not cognizable by us, or within our province, which is only to confirm & grant lands, &c., And settle the affairs of the Proprietors Revenue, nor Indeed does any part of it answer our proposition but very obliquely & with much ambiguity, which shows more of skill & cunning than a direct & sincere answer.

Whatever the Proprietor hath promised, We Question not but he will perform, and in whatever he has given us power we are Ready to doe, And when you please to demand, willing to confirm to you the said tract by Pattent, as we doe unto other purchasers according to the Warr^t and surveys, the which if you Refuse & others accept, you cannot think it hard if we grant your Refusal to them who have Equal right with you by purchase to take up land. To this we desire you will be speedy & plain in your Answer, as we are with you in our proposition, for we are Resolved what in us lyes, God willing, to Remove all Rubbs & hindrances in the way to a quiet & easy settlement off the Proprietors Revenue within this Province. Dated at Philadelphia, the 20th 10 mo., 1690.

[P. 32, No. 10 "Book of Minutes," (of Commissioners,) 1689 to 1693. See Smith's Laws, Vol. 11. p. 144, or "Register of Pennsylvania," Vol. XIII.]

CHARTER GRANTED TO THE INHABITANTS OF GERMANTOWN,
IN 1691.

I WILLIAM PENN, Proprietor of the Province of Pensilvania in AMERICA vnder the Imperiall Crown of Great Brittain by virtue of Letters Patents under the great seale of England DO grant unto Francis Daniel Pastorius, Civilian & Jacob Telner Merchant, Dirck Isaacs Optegraaf Linen maker Herman Isaacs Optegraaf, Towne President, Tennis? Abraham Isaacs Optegraaf Linen maker Jacob Isaacs, Johanes Casselle, Heywart Hapon? Coender Herman Bon, Dirck Vankolk, all of German Towne, yeomen, that theys hall bee one Body pollitique and corporate aforesaid in name, & by the name of the Bailiffe, Burgesses and Comonalty of German Towne in the County of Philadelphia, in the Province of Pensilvania, And them by that name one Body Pollitique and Corporate by Deed and in name forever, I doe for mee my heirs and successors proclaime and declare by these presents, AND that by the same name of Bailiffe Burgesses and Comonalty of German Towne, in the County of Philadelphia, they shall have perpetuall Succession, AND that they and their Successors by the name of the Bailiffe Burgesses and Comonalty of German Towne bee, and at all times hereafter shall bee persons able and capable in Law with joynt stock to trade, and with the same or any part thereof to have, take, purchase, possess and enjoy Mannors, messuages & lands, tenements and Rents of the yearly vallue of fiftene hundred pounds $\text{£} \text{ann.}$, Liberties, privileges, Jurisdiccons, Franchises and hereditaments of what kinde, nature or quality so ever to them and their Successors and assigns; and alsoe to give, grant, demise, aliene, assigne and dispose of the same; And that they and their Successors by the name of the Bailiffe, Burgesses and Comonalty of German Towne shall and may bee persons able and capable in Law to pleade and be impleaded, answer and bee answered and hearde and bee defended in whatsoever Courts and places and before whatsoever Judges and Justices, officers and ministers of mee, my heirs and successors in all and singular, pleas, accons, suits, causes, quarrells and demands whatsoever, and of what kinde, nature and sort soever; AND that it shall and may bee lawfull to and for the said Corporacon and their Successors to have and use a comon seale for any business of or concerning the said Corporacon, And the same from time to time at their will to change or alter; AND for the better government of the said Corporacon, I do further grant to the said Corporacon, that there shall bee from henceforth one of the said Corporacon to bee elected and to be Bailiffe of the said Corporacon, and four others of the said Corporacon to bee elected and to bee chosen Burgesses of the said such Corporacon, And that there shall bee from henceforth six persons, members of the said Corporacon, elected and bee Committee men of the said Corporacon, which said Bailiffe, Burgesses and Committee men shall be called the Generall

Court of the Corporacon of German Towne; AND that they or any three or more of them, whereof the Bailiffe, with two, or in his absence any three of the Burgesses, to be always some, shall bee, and are hereby authorized, according to such Rules, orders and direccions as as shall from time to time be made and given unto them by the Generall Court of the said Corporacon; And for want of such Rules, orders and direccions when desired as they themselves shall thinke meete, Shall manage, govern and direct all the affairs and business of the said Corporacon, and all theire servants and Ministers whatsoever, and generally to act and doe in all those matters and things whatsoever, soe as they shall judge necessary and expedient for the well governing and government of the said Corporacon and the improvement of their Lands, tenements and other estate in Joynt stock and trade; And to soe enjoy, perform and execute all the powers, authorities, privileges, acts and things in like manner, to all intents and purposes, as if the same were done at and by a generall Court of the said Corporacon; AND I doe by these presents Assigne, nominate, declare and make the said Francis Daniel Pastorius of German Towne, Civilian, to be the first and present Bailiffe; and the aforesaid Jacob Telner, Direk Isaacs Opte Graaf, Herman Isaacs Opte Graaf and Tennis Coender to be the first and present Burgesses; And the aforesaid Abraham Isaacs Opte Graaf, Jacob Isaacs, Johannes Casselle, Heywart Hapon, Herman Bon and Direk Vankolk the first and present Committee men of the said Corporacon; The said Bailiffe and Burgesses and Committee men to continue in their respective offices and places until the first day of December next ensueing the date hereof, and from thence until there bee a new choyce of other persons duly to Succeed them according as it is hereinafter directed, unless they or any of them shall happen to dye or bee removed by order to be made by a generall Court of the said Corporacon before the expiration of that time; And in case any of them shall happen to dye or bee removed before the said first day of December it shall and may bee lawful to and for the persons assembled at any generall Court of the said Corporacon whereof the Bailiffe if present with two, or in his absence, with three of the Burgesses, to be some, to make choyce of any other fit person being a Member of the said Corporacon, in the place of such person soe deceased or removed; which persons to bee chosen shall continue in the said place and office during the residue of the said time; AND I doe further, for mee, my heirs and Successors, give and grant to the said Bailiffe, Burgesses and Committee men of German Towne, and theire Successors, that it shall and may bee lawfull to and for the said Bailiffe, Burgesses and Committee men, at and upon the said first day of December in every yeare successively, for ever hereafter, (unless the said first day of December happen to fall on the first day of the weeke,) and then at and upon the next day following, to assemble and meet together in some convenient place to bee appoynted by the Bailiffe, or in his absence by any three of the Burgesses of the said Coporacon

for the time being ; which Assembly and meeting of the said Corporacon at such time and place as aforesaid, shall bee called a generall Court of the said Corporacon of German Towne ; And that they being so assembled it shall and may bee lawfull to or for the major part of them which shall be then present, not being less than seven in number, whereof the Bailiffe and two of the Burgesses, or in absence of the Bailiffe, three of the Burgesses, for the time being, to be some, to elect and nominate one Bailiffe, four Burgesses and six Committee men for the purposes aforesaid, and also such other officers as they shall thinke necessary for the more due Government of the said Corporacon, out of the Members of the said Corporacon, who are to continue in their respective offices and places for the ensuing year, unles within that tyme they shall happen to dye or be removed for some reasonable cause as aforesaid ; And upon the Death or Removal of the Bailiffe any Burgesses or any of the six Committee men or any other officer, at any time within the yeare and before the said first day of December, it shall and may bee lawfull to and for the Comonalty of them, the said Bailiffe, Burgesses and Committee men for the time being, or the major part of them present at any Generall Court of the said Corporacon to be for that purpose assembled, whereof the Bailiffe and two of the Burgesses, or, in absence of the Bailiffe, three of the Burgesses for the tyme being, to be always some, to elect and nominate a Bailiffe, Burgess Burgesses, Committee man or Committee men, as there shall be vacacon in the place and roome of such person or persons respectively, as shall soe happen to dye or be removed ; AND likewise that it shall and may bee lawfull to and for the Bailiffe and two of the Burgesses, or in absence of the Bailiffe, three of the Burgesses of the said Corporacon, for the time being, from time to time, soe often as they shall find cause to sumon a Generall Court of the said Corporacon of German Towne ; And that no Assembly or meeting of the said Corporacon Shall be deemed and accounted a general Court of the said Corporacon, unles the Bailiffe and two of the Burgesses, or in absence of the Bailiffe, three of the Burgesses and four of the Committee men at least be present ; AND I doe for me, my heirs and Successors, give and grant unto the said Corporacon of German Towne and their Successors full and free liberty, power and authority from time to time, at any of their generall Courts, to admit such and so many persons into their Corporacon and Society, and to encrease, contract or divide their Joynt Stock or any part thereof, when soe often and in such proporcons and maner as they or the greatest part of them, then present, (whereof the Bailiffe and two of the Burgesses or in his absence three of the Burgesses for the tyme being, to be always some,) shall think fitt ; AND alsoe that that the said Bailiffe, Burgesses and Committee men, for the tyme being, from time to time, at their said generall Court, shall have power to make and they may make, ordain, constitute and establish such and so many good and reasonable Laws, Ordinances and Constitucons as to

the greatest part of them, at such generall Court and Courts assembled, whereof the Bailiffe and two of the Burgesses, or in absence of the Bailiffe, three of the Burgesses, for the tyme being, to bee always some,) shall deeme necessary and convenient for the good Government of the said Corporacon and their affairs, and the same Laws. Orders, Ordinances and Constitucons so made, to be put in use and execucon accordingly. And at their pleasure to revoke, alter and make anew, as occacon shall require; And alsoe to impose and sett such Mulets and amerciaments upon the breakers of such Laws and Ordinances, as to them or the greatest part of them soe assembled, whereof the Bailiffe and two of the Burgesses, or in absence of the Bailiffe three of the Burgesses, (to bee always some) in their Discrecon shall bee thought reasonable; which said laws and Ordinances Shall bee put in execucon by such Officers of the said Corporacon, for the tyme being, as shall bee by the said Court appoynted for that purpose, the call of such appoyntment by the Bailiffe and two of the Burgesses, or in absence of the Bailiffe by three of the Burgesses for the tyme being, to bee chosen, and the said Mulets and amerciaments soe imposed and sett upon the breakers of the same Laws and Ordinances as aforesaid, shall from time to time bee levyed and received by such the officers and servants of the said Corporacon, (in that behalf to be appoynted in maner as aforesaid,) and for the use of the said Corporacon and their successors, by distres or otherwise, in such maner as the said general Court shall direct and appoynt not contrary to Law, without the impediment of mee, my heirs & successors, or of any the officers and ministers of mee, my heirs & successors, and without any account to bee made, rendered, or given to mee, my heirs & successors for the same or any part thereof; or else that the said Mulets and amerciaments, or any part thereof, may upon the Offenders submission or conformity bee remitted, pardoned or released by the said generall Court of the said Corporacon at their Will and pleasure; AND that the Bailiffe and two oldest Burgesses, for the time being, shall be Justices of the Peace, and shall have full power and authority to act as Justices of the peace within the said Corporacon, and to do such act and acts, thing & things whatsoever, which any other Justice or Justices of the peace can or may doe within my said Province; AND further, I doe hereby grant to the said Bailiffe, Burgesses and Comonalty of German Towne, that they and their Successors shall & may have, hold & keep before the Bailiffe and three of the oldest Burgesses of the said Corporacon, and the Recorder for the time being, of the said Corporacon, One Court of Record to be held every Six Weeks in the yeare, yearly, for such time as they shall thinke fitt, for the hearing & determining of all civill causes, matters & things whatsoever arising or happening betwixt the Inhabitants of the said Corporacon, according to the laws of the said Province, and of the Kingdom of England, reserving the Liberty of Appeale according to the same; And alsoe to have, hold and keep one publicke Markett every Sixth day in the weeke, in such convenient

place and maner as the Provinciaall Charter doeth direct; And further to doe and act any other matter or thing whatsoever for the good government of the said Corporacon and the Members thereof, and for the managing and ordering of the Estate, Stocke and affaires of the said Corporacon, as they shall at any time or times thinke or judge expedient or necessary, and as any other Corporacon within my said Province shall, may, or can doe, by laws not being inconsistent to the Laws of England, or of my said Province, hereby giving and granting that this, my present Charter or Grant shall in all Courts of Law and equity be construed and taken most favourably and beneficially for the Grantees, and the said Corporacon. Given under my hand and the lesser seale of the said Province, at London, this twelfth day of the month called August, In the Yeare of our Lord one thousand six hundred eighty and nine; And under the Great Seal of the Province of Pennsilvania, the thirtieth day of the Third month, 1691.

WM. PENN. [L. S.]

Signed by the within named William Penn, and sealed with the Lesser Seale of the within menconed Province, after the interlineing this word (Burgesses) between the fourth and fifth lines, and those words between the fifteenth and sixteenth (two or in his absence,) and this word (stock) between the nineteenth and twentieth lines, and these words (with no) between the five & twentieth & six & twentieth, and these words (the weeke) between the eight and twentieth & nine & twentieth, and those words (or in default of such appoyntment) between the eight and fortieth and nine and fortieth Lines, in the presence of

EDW. ROBERTS,
JOHN BOOKER.

12th—6^{mo}—Ag^t. 89.

* Lett this pass the great Seale,

WM. PENN,

To Tho. Loyd, Keeper*
thereof in Pennsilvania.

Recorded the thirtieth day of the Third Month, 1691: in Patent Book A, fol^o. 277: [This Charter was forfeited about 1706—See Watson.]

DA. LLOYD, Deputy.

ELECTION CERTIFICATE, CHESTER Co., 1690.

By Virtue of A Presept from the Provinciell Councell, To the Sheriff Derected, for the Choosing a Member of Counsell to Serve in the Roome of John Blunston. And I hereby in Obedience to said Presept, doe make this my Returne as foll^s., and that the Freeholders did Elect and Choose william howell, for a member of Counsell, in the Room of John Blunston, as aforesaid; as Wittness my hand and

* In Penn's hand.

Seal, And the hands and Seals of the Freeholders and Electors, this 22^a day of the Second Month, 1690, in the Second Year of the Reign of King William and Queen Mary, and 10 year of the Proprietarys Governm^t.

GEORGE MORRIS, [L. s.]
 ALLBERT HENDRICKSON, [L. s.]
 NATHANAEL LAMPLUGH, [L. s.]
 WILLIAM WOODMANSE, [L. s.]
 RANDELL VERNON, [L. s.]
 JOSEPH STEEDMAN, [L. s.]
 THOMAS VERNON, [L. s.]
 JOSHUA HASTINGS, [L. s.]
 PETER THOMAS, [L. s.]
 CALEB PUSEY, [L. s.]
 JOHN STIDMAN, [L. s.]
 SWENY BARNES, [L. s.]
 WILLIAM HAYTON, [L. s.]
 WILLIAM CLOOD, [L. s.]
 JOHN WORRALL, [L. s.]

JOHN SHARPLESS, [L. s.]
 THOMAS WOROLOU, [L. s.]
 RICHARD CLOUES, [L. s.]
 JOHN ROWOLD, [L. s.]
 JOSEPH EDGER, [L. s.]
 FRANCIS YARNALL, [L. s.]
 HAGAR JORESON, [L. s.]
 JAMES SANDERLANE, [L. s.]
 JOHN SIMCOCK, [L. s.]
 WILLIAM JENKINS, [L. s.]
 THOMAS BROSER, [L. s.]
 FRANCIS HARRISON, [L. s.]
 JOHN BRISTOW, [L. s.]
 BART. OOGGET, [L. s.]

[Some of these names hard to be decyphered.]

Indorsed.

“Chester Return of y^e Choyce of Wm. Howell, in Roome of Joⁿ., Blunston, 1690.”

ELECTION RETURN OF SHERIFF OF KENT Co., 1692.

To the Right Honorable, The Govern^r and Councill of the Province of Pennsylvania, and the Territoryes thereunto Bellonging.

Humbly shewth that, whereas, The Inhabitans and freemen of the County of Kent, having mett and Assembled themselves Together by Virtue of a Law made att Philadelphia, the Tenth day of the first month, One Thousand six hundred, Eighty and Three, for the Voating Choasing and Electing Provincial Councill and Generall Assembly, men and In persuance threeof, have Legally Choasen and Ellected Richard Wilson for a Councilman, and William ffreeland, Daniell Jones, Sen., Simon Haines, John Barnes, William Manloue and George Manloue as Burgases, for this County of Kent. In wittness whereof I have hereunto set my hand and seal, this Tenth day of the first month, 1692.

SAM. KING Sheriff. [L. s.]

1692, 5th mo. The Returne for Kent County,
 For members of Councill, &c.

INDIAN DEED FOR LAND TO WM. PENN.*

Wee doe acknowledg to have rec^d from the Commiss^{rs} of Proprietys full Satisfaction for all that Tract of Land formerly belonging to Tament and others, which wee parted with unto Wm. Penn, Proprietor of this Province of Pennsylvania &c. The said Tract lying between Neshaminah & Poquessing upon the River Delaware and extending backwards to the utmost bounds of the said Province, Therefore wee

† See Colon. Records, Vol. 3, p. 293 & 294.

* Noticed in Smith's Laws, vol. 2, p. 111.

Doo hereby acquitt, release & discharg the said Proprietor his Heirs & Success^{rs} from any farther claims, dues & demands whatsoever, concerning the said Lands or any other Tract of Land claimed by Us from the beginning of the World to the day of the date hereof. Witness Our hands at Philadelphia the 15th day of June 1692.

The Mark of ✕ KING TAMINENT.

The Mark of King TANGORUS.

The Mark of ✕ King SWAMPES.

The Mark of ✕ King HICKOQUEON.

Witnesss Present,
JOSEPH WILLCOX,
GALLISS,
The Mark of

✕

MONSS KOCK,
DAN J. LEPKY,
JOHN CLAYPOOLE.

Indorsed—Indians Conveyance of all the Land between Neshamih-neh & Poquessing.

Recorded page 60,

N. B. BOILEAU.

[Noticed in Smith's Laws, Vol. II., p. 111.]

COMMISSION OF A SEARCHER OF CUSTOMS, 1695.

WILLIAM CLARK ESQ^r Collector of their Maj^{ties} Customs in the Province of Pennsylvania.

To JOHN DEPLOVE Gent. searcher of their Maj^{ties} Customs in the City & County of Philadelphia, in the said Province.

WHEREAS Edward Randolph Esq^r Survey^r Gener^l of their Mag^{ties} Customs in the Main of America, did by his deputation under his hand & [seal] bearing date the 13th day of June Anno Dommy 1692, Depute & appoint the said Wm. Clark to be Collect^r of their Maj^{ties} Customs in the said Province & Territorys. I the said Wm. Clark do hereby appoint the said John Deplove to be Searcher of their Maj^{ties} Customs in the said City & County of Philadelphia with full power to Enter & go on board & search any Ships or Vessels which he suspects to have Either Loaded or unloaded any of the Production or Manufacture of Europe not Legally Imported in the said Province, and also any Ship or Vessell which he shall suspect to take on board any of the Ennumerated Plantation Commodities, not having been duly entered and for which Bail with One sufficient suerty hath not been first given and the said Ship or Vessell in which the said European Goods or Ennumerated Plantation Commodities were so taken on Board or Imported in the said Province contrary to Law & the same to seize for their Maj^{ties} use & to Prosecute as the Law directs. Given under my hand & Seal of office at New Castle this 18th day of February in the Seventh year of their Mag^{ties} Reign Anno Dmin 1694-5.

WM. CLARK, Collector.

NATURALIZATION CERTIFICATE BY WM. MARKHAM.

William Markham Esq^r Lieut^t Gov^r of the Province of Pennsylvania Country of New Castle, & the Territories & Tracts of Land depending thereon, in America, By Authority derived unto me from his Excellency Benjamin Fletcher, Captain General and Govern^r in Chief of their Majesties Province of [L. S.] New York, Province of Pennsylvania, Country of New Castle, and the Territories & Tracts of Land depending thereon in America & Vice Admiral of the same. Their Maj^{ties} Lieut^t & Commander in Chief of the Militia & of all the Forces by Sea & Land within their Maj^{ties} Colony of Connecticut, & of all the Forts & Places of Strength within the same.

To all to whom these Presents shall come sendeth greeting :

WHEREAS, Peter Charbouneaw, Ship Carpenter, Andrew Doze, Planter, & Anne his Wife, Thomas Janvier Carpter. & Jacob Dubre Carter, (by Birth French Men & Woman & Inhabitants of this Province of Pensilv. for several years last past) being Forreigners having requested to be made Denizens within the said Province & Country. Know yee therefore that for the further encouragement of the Industry & Sobriety of the s^d Peter Charbouneaw, Andrew Doze & Anne his Wife, Thomas Janvier, & Jacob Dubre (they having taken the oath appointed by act of Parliam^t to be taken instead of the Oaths of Allegiance & Supremacy & subscribed the Test) in his Excellency Benj^m Fletcher the Chief Govern^rs absence, I do Declare and by these Presents confirm them the said Peter Charbouneaw, Andrew Doze & Anne his Wife, Tho^s Janvier & Jacob Dubre, to be Denizens of the said Province & Country & that they shall be accordingly held and reputed such and that they have hereby Liberty & Freedom to trade & traffick within the said Provinces & Country (they truly observing the Acts of Navigation as other good Subjects ought to do) without any manner of Lett or Hinderance whatsoever, In Witness whereof I have hereto put my Hand & Seal this twenty-first day of febry being the seventh Year of our Sovereign Lord & Lady, William & Mary, by the Grace of God of England, Scotland, France, & Ireland, King & Queen Defenders of the Faith &c., Annoq. Domoni 1694-5.

WM. MARKHAM.

By Lieut^t Gov^r Command,
PAT. ROBINSON, Secr^y.

Recorded in the Secry. & Rolls Office for the Province of Pennsylvania, Country of New Castle & the Territories & Tracts of Land depending thereon in America Book A. No. 1, Page 89th the 21st Day of Febry Annoq. Dom. 1694-5 by me.

PAT. ROBINSON, Secry.

COMISSIONERS OF CUSTOMS TO GOVR. ON NAVIGATION ACT,
1696.*S^r:

There having been an Act lately pass'd in Scotland for Erecting a Company to Trade from thence to India, Affrica and America, wherein many persons have Inter'ssed themselves by large Subscriptions, in order to a vigorous Carrying on the Trade to & from those Parts, which in time may tend to destroy the Trade and Navigation of England, & carry it to Scotland, Wee did lately, in Obedience to an order of the Lords Spiritual & Temporal in Parliam^t Assembl'd, lay before their Lords'ps in Writeing, what we Conceiv'd the proper means to Remedy the inconveniencies arising by the s^d Act; And their Lords'ps wth the Com'ons in Parlm^t Assembled having in an Address Represented to his Ma'tie the great advantages thereby Granted to this Company, & the obstructions that this Act will unavoidably bring to the General Trade of this Nation, And particularly That when the Scotch shall have Setled themselves in Plantations in America, Our Com'erce in Tobacco, Sugar, &c., will be utterly lost, for the reasons therein menconed, We do herewth send you Coppy of the said Act, with Coppies of our said Report, & of this Address, with his Ma'ties most Gracious answer to the s^d Address, as the best means to Awaken & Exite you to a vigorous Execution of the severall Laws made in England for the Security of ye Plantation Trade & making this Kingdom the Staple both of the Com'odities of the Plantacons & the Com'odities of other Countrys & places for ye supply of ye said Plantations, And as we hope That the s^d Laws & the Order & Instructions which from time to time we have given in pursuance thereof, to the severall Officers Employed under us within yo^r Governm^t, will be found Sufficient to prevent the inconveniencies and Mischiefs which may arise from this Act; So wee desire you will please more especially at this time to see that all & every the s^d Officers do strictly pursue their Duties according to ye Laws of England relating to ye Plantations which they have in charge from us, and our afores'd Orders & Instrouctions, & give you an acco^t of every Ship Trading in their respective Districts, in the form & method prescribed by us.

And it will more espetially concerne you to be very Carefull that the persons Imploy'd under you as Naval Officers for the takeing of Bonds, and the giving out and takeing in of Certificates, be persons of known Integrity, And that they be under Oath & Security for ye faithfull discharge of their Trusts.

On the other hand, That no Officer within ye Governm^t may pretend Ignorance or be Imposed upon in Receiveing or accepting of flogged Certificates, mentioning Security to be taken by the Officers of ye Customs in some Port of England, Wales or Berwick, for the Returne of Ships with their Loading for this Kingdom, Or other

* See Colon. Records, Vol. I. p. 471.

forged Certificates for Ships dischargeing their Loadings from ye Plantations in some Port of England, Wales or Berwick, When in reality no such Bonds have been here given, nor Loadings here discharged, But the Ships therein mencon'd have gon directly to and from Scotland, (of which we have many instances now before us,) We shall, for preventing those ffrauds & abuses hereafter, Every three Months, or as often as Conveyance shall offer, send you an Authentick & Attested List of every Ship or Vessell, with the Master's name, that hath Enter'd in any Port of England, Wales, or Berwick, for any of his Ma'ties Plantations, and given Security to returne from thence with her Loading; And a like List of every Ship that hath discharged her Loading from yo^r Govern^t and had a Certificate thereof from any Custom-house in England, Wales, or Berwick, in order to the Vacateing the Security given with you; And if any Shipp pretending to come from England with a Certificate of giveing Bond here, or a Certificate of dischargeing her Loading in some Port of this Kingdom for vacating the Bond given to you, shall not be found in one of those Lists respectively, according to the order & date of such Certificate, you may conclude such Certificate to be forged or Counterfeit; And as the Case shall happen it will be incombent on you either to prosecute the Bond as forfitt^d, or to Seize such Shipp as shall presume to Load or take on Board any of the Ennumerated Com'odities by Collour of such Counterfeit Certificate, Unless it may so fall out That a Ship shall arrive with a Certificate from England before such List comes to yo^r hands whereby to discover whether it be a true or Counterfeit Certificate, in which case it will be advisable for you to take good Security in the Country, for ye carrying such of the Ennumerated Plantation Goods as she shall there Load to some Port of England, Wales, or Berwick.

We likewise remind you on this occasion of ye Clause in the Act of Navigation, made in the 12th year of the Reigne of King Charles Second, which provides that no Alien or person not borne within ye King's Allegiance, or Naturalized, or made a free denizen, shall exercise the Trade or Occupacon of a Merchant or ffactor in any of the Plantacons upon pain of fforfeiture of all his Goods & Chattels; And we desire you to Cause a due observance thereof within yo^r Govern^t.

And let the Comd^{rs} of his Ma'ties Ships of Warr or others haveing Com'ission from his Ma'tie, coming to yo^r Govern^t, be furnished wth Coppies of the Instructions which we have heretofore purposely prepared and do now send you in pursuance of the said Act of Navigation, by which Act they are Authorized to Seize and bring in as Prize all such Ships & Vessells as shall be found offending contrary thereunto; ffor whose encouragem^t one Moyety of ye forfiture after Condemnacon is thereby allotted them & their Companies, to be divided & proportioned amongst them according to the Rules & orders of the Sea in Case of Ships taken prize.

And as by the Acts of Trade and Navigacon the Govern^r of said Plantacons are * * * * * enjoyned by their Oath, and under the

Penalty of being removed from their respective Govern^{ts}, to do their utmost; That all the matters and things therein Contained shall be punctually & bona'fide observed according to the true intent and meaning thereof; So we expect you will particularly take Care That no Ships or Vessells be permitted to Import or Export any Goods or Com'odities to or from yo^r Govern^t but such as shall be duly Quallified & Navigated, as thereby is directed, haveing a more perticular Eye & regard to those places which are most Conveniently Scituated for the Scotch & other illegall Traders to Load & discharge at.

And withall let none be accepted or Taken as Security with Mast^{rs} of Ships, but such as shall be persons of Suffitiency & vallue, aud Inhabitants on the Place.

It remains only further, That we remind you of the Act of Trade made in the 15th Year of the Reigne of King Charles the Second, which provides that no European Goods, (except what is therein Excepted,) shall be Imported into any of his Ma'ties Plantacons but such as shall be Loaden and Shipped in England, Wales, or Berwick, And in Ships & Vessells quallified & Navigated as therein is directed, under the Penalty of fforfeiture of Ship & Goods; And every person or persons Importing any Goods or Com'odities whatsoever into ye Plantacons is, by the s^d Act, to Deliver to each respective Govern^r Or the Person Authorized by him, within twenty-four hours after such Importacon, their names and Sirnames, and a true Inventory and particular of all such Goods, together with the Place or Places in which the s^d Goods were Loaden or taken in, under the like Penalties of fforfeiture.

We are, S^r,

Yo^r very humble Servants,

ROB^t. SOUTHWELL,
E. GODOLPHIN,
SAML. CLARKE,
ROB^t CLAYTON.

Custom-house, Lond^o, 9 January, 1695.

See Colon. Rec. ol. i. p. 461.

DEED THOS. DONGAN TO WM. PENN, 1696.

THIS INDENTURE, made the twelfth day of January, Anno, Dni, 1696, and in the Eighth Yeare of the reigne of our Sovereign, Lord William, the Third, King of Eng^d, between Thomas Dongan, late Govern^r of New York, and now of London, Esq^r, of the one part, and William Penn, Govern^r of the Province of Pensilvania in America, of the other part Witnesseth that the said Thomas Dongan, for and in consideration, of the sume of one hundred Pounds of lawfull meney of England to him in hand paid, by the said William Penn, the right whereof is hereby acknowledged, HATH demised and granted, and by these presents doth demise and grant unto the said William Penn, ALL that Tract of Land lyeng upon, on both sides the River commonly called or known by the name of the Susqueha-

nah River and the Lakes adjacent, in or neare the Province of Pensilvania, in America, begining at the Mountains or head of the said river, and running as farr as and into the Bay of Chessapeake, with all Isles, Islands, Mines, Mineralls, Woods, Fishings, hawkings, huntings, Fowlings, and all other Royalties, profits, comodities and hereditaments unto the same belonging, which the said Thomas Dongan, lately purchased of or had given him by the Sinneca Susquehanah Indians and also all the lands, hereditaments, Isles, Islands, rivers, Royalties, mines, minerals, lakes, waters, profitts, priveledges, and appurtenances, whatsoever lyeing on both sides the Susquehanah river, and near adjoining thereto, which he, the said Thomas Dongan did, at, any time purchase, or which were at any time given unto by the said Indians, or any of them TO HAVE AND TO HOLD, unto the said William Penn, his Execr^t, Admin^r and Assignes, from the day of the date hereof, for and unto the end and term of One Thousand years, PAYING unto the said Thomas Dongan, his Exer^t and Adminr^t, yearly, and every year on the Feast day of St. Michael, the Arch Angell, the rent of a pepper Corn, if the same shall or lawfully demanded to the intent and purpose that by force and virtue of these presents and of the Statute for transferring of uses into possession, the said William Penn may be in the actnall possession of the premisses, and may be thereby the better enabled to attempt and take a grant, release or other Conveyance, of the revercion and inheritance thereof, to the use of Himself, his heirs and Assignes forever. IN WITNESSE whereof the said parties have to these present Indentures as Duplicates to the other Indentures of the same contents and date herewith Interchangeably sett their hands. Seales. Dated the day and year first above written.

THOMAS DONGAN. [L. s.]

Sealed and Delivered, being first Stampd according to Act of Parliament, in y^e presence of

SAM. VAUS.

FR. HARDING.

WM. SPRINGETT.

"Dongan, to, Penn, Lease for 1000 years for Lands on Susquehanah. Recorded page 68, &c.

N. B. BOILEAU, Ser^y."

See Smith's Laws, Vol. ii. p. 111.

DEED THOS. DONGAN TO WM. PENN, 1696.

THIS INDENTURE made the Thirteenth day of January, Anno Dom. 1696, and in the Eighth year of the reign of our Sovereign Lord, William the Third, King of England, &c., BETWEEN, Thomas Dongan late Govern^r of New Yorke, and now of London, Esqⁿ, of the one part, and William Penn, Govern^r of the Province of Pensilvania, in America, of the other part, WITNESSETH that the said Thomas Dongan, for, and in Consideration of the sum of One Hundred Pounds, of lawfull money of England, to him in hand paid, by the said William Penn, the receipt whereof is hereby acknowledged, HATH granted,

Enfeoffed, released and confirmed, and by these presents doth grant, Enfeoffe release and confirm unto the said William Penn, & his heirs, ALL that tract of Land, lyeing upon, on both sides the river comonly called or known, by the name of the Susquehanah river, and the Lakes adjacent, in or neare the Province of Pensilvania, in America, beginning at the Mountains or head of the said River, and running as farr as and into the Bay of Chesapeake, with all Isles Islands, Mines, Mineralls, Woods, Fishings, hawkings, huntings Fowlings, and all other royalties, profitts, comodities, and hereditaments, unto the same belonging, which the said Thos. Dongan lately purchased of, or had given him by the Sennica Susquehanah Indians, and also, all the Lands, herditaments, Isles, Islands, rivers, Royalties, Mines, Mineralls, also Lakes, Waters, profitts, priviledges and appertences, whatsoever belonging on both sides Sasquehanah river, and near and adjacent thereto, which he, the said Thomas Dongan, did at any time purchase, or which were at any time given unto him by the said Indians or any of them which said Lands and premises are in the possession of the said William Penn, by virtue of a lease thereof, for One Thousand years, bearing date the day next before the date hereof, To HAVE AND TO HOLD, to the said William Penn, his heires and assignes to the only use and behooffe of the said William Penn, his heires and assignes forever, AND the said Thomas Dongan, for himself his heirs, Exr^e, and Admin^{rs}, doth Covenant, promise, grant and agree to and with the said William Penn, his heires and assignes by these presents, That he, the said Thomas Dongan, and his heires all and singular, the said Lands and Premisess, with the appurtes unto the said William Penn, & his heires, against the said Thomas Dongan, his heires and Assignes and all other person and persons, having or claiming to have or claime from by or under him, them or any of them, and also against all and every the Senneca, Sasquehanah Indians, shall, and will Warrant, and forever defend. IN WITNESS whereof the said parties have to these present Indentures, by Certificates to the other Indentures of the same intents and date herewith Interchangeably sett their hands and seals, dated the day and year first above written.

THOMAS DONGAN.

Sealed and delivered, being first Stampd according to Act of Parliament, in ye presence of

SAM. VAUS.
WM. SPRINGETT.
FR. HARDING.

Received the day and Year within written, of the within named, William Penn, the sum of One hundred pounds. It being the Consideration money within mentioned, to be paid unto me, the Within named

THO. DONGAN.

Witnesse.

SAMUEL VAUS.
WM. SPRINGETT.
FR. HARDING.

"Dongan to, Penn. Release in fee.
Recorded page 70, &c.

N. B. BOILEAU, Sec."

INDIAN DEED TO WM. PENN, 1697.

KNOW ALL MEN That we Taminy Sachimack and Weheeland my Brother and Weheequackhon alias Andrew, who is to be king after my death, Yaqueekhon alias Nicholas, and Quenameckquid alias Charles my Sonns, for the Consideration of Twenty Matchcoats, Twelve White Blankets, Ten Kettles, Twelve Guns, Thirty yards of Shirting Cloth, one Runlett of Powder, Ten Barrs of Lead, forty yards of Stroud Waters, Twenty pair of Stockins, One Horse, fifty pounds of Tobacco, Six dozen of Pipes, and Thirty Shillings in cash, To be paid by Samuel Carpenter, Robert Turner, Humphrey Morrey francis Rawle, and Griffith Owen, for and in the behalf of William Penn, Propriet'y of this Province of Pennsilvania y^e The Receipt whereof we do hereby Acknowledge And thereof and of every part thereof do Acquit exonerate and for ever discharge the said Proprietary his Heirs and Successors by those p'sents Have given, granted, aliened, sold, enfeoffed & confirmed And by these p'sents for us, our Heirs and Successors, Do give, grant, alien, sell, enfeoff and confirm unto the said William Penn, his Heirs and Assigns, All the Lands, Woods, Meadows, Rivers, Rivulets, Mines, Minerals and Royalties whatsoever, situated lyeing, and being Between the Creek called Pemopeek and the Creek called Neshaminy, in the said Province Extending in Length from the River Delaware, so farr as a horse can Travel in Two Summer dayes, and to carry its breadth according as the several Courses of the said two Creeks will Admit, And when the said Creek do so Branch that the main Branches or bodies thereof cannot be discovered, Then the Tract of Land hereby granted, shall stretch forth upon a direct course on each side and so carry on the ffull Breadth to the extent of the Length thereof, Together with all our Right, Title, Interest, Possession, Claims, and Demands whatsoever of in and to the said Lands and other the p'mises with their Appurtences, *To have* and to hold unto the said William Penn and his heirs to the use and behoof of him the said William Penn, his Heirs and Assigns forever, *And we* do hereby covenant, promise and grant for us and our heirs and Successors forever to warrant and defend the said Lands, and other the p'mises hereby granted with the Appurtences, unto the said William Penn his Heirs and Assigns forever, Against us our heirs and Successors and against all other persons whatsoever, according to the tenor and true meaning of these p'sents, *And we* do Appoint Lasse Cock our Attorney to acknowledge and deliver these p'sents for us and in our Names at any Court or Courts of this Province

according to Law, IN WITNESS whereof we have hereunto sett our Hands and Seals the fifth day of July, Anno Domⁱ, 1697.

The mark of

✕

KING TAMINY.

The mark of

✕

WEHEELAND.

The mark of

✕

WEHEQUEEKHON alias ANDREW.

The mark of

✕

YAQUEKHON alias NICHOLAS.

The mark of

✕

QUENAMEQUID alias CHARLES.

Scaled and Delivered in the P^rsence of

WILL TRENT,
ISAAC NORRIS,
LASSE COCK,
ALEXAND^R BEARDSLY,

Acknowledged in open Court, held at Philadelphia, the 6th
[SEAL] July, 1697, as witnes my hand and County Seal.

JOHN CLAYPOOLE, Clerk.

Recorded in the Rolls Office, at Philadelphia, ye 7th day of the
twelfth month, 1697-8, in Book E. 3 vol. 5, page 57 & 38.

Ex^e & DAVID LLOYD.

Indorsed.—“Deed, Tamany and his Brother and Sons, to Govern^o Penn, for Lands between Pemmapeck & Neshamineh.”

Recorded page 71, &c.

N. B. BOILEAU, Secy.

LORDS JUSTICES TO GOV. ON PEACE WITH FRENCH 1697.

By Order of their Excellencies the Lords Justice, we send you herewithall the Proclamation for publishing the Peace lately concluded between his Majesty and the French King; Upon the receipt whereof you are required forthwith to transmit the same, that it may be Solemnly published, in the usual Places within his Majesty's Territories under your Government; And that notice may be given to all Privateers and Commanders of Ships throughout your said Govern-

ment, to cease Hostilities with the French King's subjects, according to the Tenour of the said^e Proclamation. So We bid you heartily farewell.

Your very Loving Friends,

J. BRIDGEWATER,
PH. MEADOWS,
JOHN POLLEXSEN,
JOHN LOCKE,
ABR. HILL,
GEORGE STEPNEY.

Whitehall Octob^r the 27th 1697.

Indorsed —“ Orders to proclaim the Peace.”

WRIT FOR A CALL OF THE COUNCIL & ASSEMBLY OF NEW CASTLE, 1699.

To R. Halliwell, Jⁿ Donaldson & Rob^t French, of New Castle.

Inclosed I send you a writ for ye County of New Castle to return their Representatives for a Council & Assembly that I am forced to call with all possible speed. Piracies and Illegal Trade have made such a noise in Engl^d and ye jealousies of their being so much encouraged in these Am^{can} parts such an Impression on the minds of sev^l great ones at home that I think myself obliged to give them earlier Demonstrations of our Zeal agst all such Practices than an expectation of ye next Assembly (w^{ch} comes not on till the Spring) or a full Consideration of the Constitution and present frame of Governm^t will admit of. The business of this I now call will be very short, and soon over, & ye new Assembly meets soon after, in which I hope to take such effectual measures for the future & better sttlement^e of this Governm^t as will give full satisfaction to *all* I am &c.

Phila^{da} 12 Mo. 1699-1700.

Pr DYER.

Indorsed.

“ Gov. to R. HALLIWELL, }
“ E. DONALDSON, } of New Castle.
“ ROB. JONES, }

Accompanying a writ to elect their members &c.

COPY OF LETTER, W. PENN TO W. MARKHAM, 1699.

Cosin, Markham

When I was with thee to-day thou offered to be bound for thy son in law should he bring the into trouble it is all the Portion I believe he has with thy daughter. What thou hast I may venture to say thou hast gott by this Governm^t. I think it very strange y^rfore thou should make a Difficulty in binding thy Execut^e with thyself for his appearance. Should another be bound, no man will take thy Bond for thy own Life, only for a Counter security. Thou knowes it is Contrary to the

form of all Obligations & I cannot but take it hard thou should be unwilling to venture so much for thy own Credit as well as that of the Govern^t & for the Husband of thy only Child from those I am not concerned with I expect a more express answer than thou hast yet given & remain thy affect^{ate} Kinsman

W. P.

Indorsed.

“Gov^r to WM. MARKHAM,
27th of Jan^{ry} 99-00.”

COPY—LETTER WM. PENN TO JOHN PARMITER, 1699.

Cosin Parmiter:

I am glad the Rigour of the Season had no greater Influence on thy journey home. As for thy Acknowledgements of ffavours rec^d., did not my opinion of thy Sincerity, as a Relation and a ffriend, make me hope for better things, I might rather take them as reproaches for the defects of thy entertain^t, which I must confess that rather deserved than any other kinder Returns; But my engagem^{ts} at that time in ye public affairs and settling my family, will plead ye Excuse, w^{ch} I hope thy next Visit shall not need. I am obliged for thy quick Care about ye Wine; I doubt not but thine and Doct^r Rodman's Skill, with Coll. Depeister's good Humour, will supply me with what is good; and if so, Another Hh^d would not be unwelcome. If he please to draw his Bills, shall meet all duly answered, if not, I shall remitt it p^rst. This place is so very dry of Wine at p^rsent that a small sloop load from thence would, I believe, meet with a very ready Market and encouraging Price.

Indorsed.—Gov^r to John Parmiter,
30, 11^{mo} —99.

COPY—WM. PENN TO ESQR. FRISBY, 1700.

Esteemed ffr^d:

It was disappoint^t I drew upon my self that I was so short in my Civility to thee. So soon as ye Council arose I did immediately intend thee a Visit, wⁿ Wm. Southby told me it was too late; but I hope it is not so to desire thy excuse & to assure thee there are not many people in these p^{ts} for whom I entertain a more particular regard, being obliged to it by thy former as well as modern kindness: I shall heartily embrace every opportunity by w^{ch} I may doe my self ye right to express it. I wish thee & thine all happiness, & am with affection & esteem thy very assured fr^d.

W. P.

Direction.—To my Hon^d ffr^d Esqr^r ffrisby, in Maryland.

COPY—WM. PENN TO LUKE WATSON, 1700.

Luke Watson, Loving fr^d:

15 2d mo. 1700.

Thy Son's Wife has made Affidavit today before me of what she

Saw & knowes of Geo. Thomson having East India Goods by him about ye time Kidd's Ship came to yo^r Capes: Thy Son doubtless knowes much more of the business; I desire therefore thou would cause him to make Affidavit before thee of what he knows either of Georges Goods or any of ye rest, and thou wilt oblige thy.

COPY—WM. PENN TO J. DONALDSON, &c. 1700.

Jn^o Donaldson, }
 Rob^t french, } Loving fr^{ds}:
 Cornel^{us} Empson, }

Being informed that there are Several Pirates, or p'sons so suspected lately landed below, on this and t'other side of the River, & that some hover about New Castle, full of Gold. These are to desire you to use your utmost Endeavour and Diligence in discovering and app'hending all such p'sons as you may know or hear of that may be so suspected, according to my Proclamation, issued at my Arrival, & of such as you shall discover or app'hend give immediate Notice unto me, who am,

Yo^r Loving fr^d

COPY—WM. PENN TO N. FIELD, &c., 1700.*

PHILADIA., 15th 2^d moth.

Nehemiah ffield & }
 Jonathan Baily, } Loving fr^{ds}

The Care you have express'd in following my Orders about the Pirates and their Goods I take very kindly, and desire it may be continued in Securing what yet (if any thing) remains. Pray lett all possible care be taken to distinguish between those Goods of the Liverpool Ship and the others of W. Orr's, that Strangers at Such a distance may not be wronged where they cannot help themselves. There is a flying report here that some Pirates are landed very lately near ye Capes in this or near hand in the neighbouring Provinces. I desire you to have a watchful eye over all Strangers coming among you, according to ye late Law ag^{cs} Pirates and my Proclamation, issued at my Arrival, ye latter of which I here send you inclosed. I doubt but you will readily shew yo^r care in this as you have in other things, w^{ch} is very acceptable to

Yo^r real Loving fr^d.

COPY—WM. PENN TO J. NANFAN.

Honoured ffriend:

I received thine p' Henry Mallows with the two Receipts, and

* See Colon. Records, Vol. I. p. 549.

Warrant of Request for apprehending G. Shelley, immediately upon which, I caused this Town to be Searched, but with Some Privacy, and intend to take the most effectual Measures I further can to have him discovered if harboured within this Governmt.

I am sorry Lieut^t Rigg's his Ord^{rs} were so Strict as not to admit a little longer Stay, for in a day or two after his Departure another p'son (one James Brown) was brought to Town by Warr^t, who not only lies under the Suspicion of Piracy, but if Innocent of that, had the unhappiness however of coming home in Company with Every's men. I now Send him to New York, and desire he may, with the rest in the Newport, be carried to Boston, where the whole Circumstances of his Voyage are best known, and where the Earl of Bellomont's Prudence (to whom I wholly leave him) will best understand what is fitt to be done with him if the Evidence he sayes he can produce there of his Innocency be not Sufficient to clear him, as he pretends it has once done already, before Lieut^t Govern^r Stoughton. Time presses me extremely, & therefore can add no more but that I am wth esteem thy

Very assured fr^d.

Indorsed.—23, 2^{mo}. 1700,
To J. Nanfan.

COPY OF LETTER OF W. PENN, TO SAM. LEONARD 1700.

unknown Friend,

in answer to thyn of 20th ye last month, please to take w^t follows I need not transcribe ye ques. to ye first I say [I am humbly of opinion that if every quere is not answered he'l think they are puzling questions, pardon me s^r if I offer my own & beg you to improve them & thro them into your own Mold.

1st The prop^{rs} being strangers to the Method of obtaining approbations G^r B. pretending to know it, They committed the management of that affair to him, who reported to those that he was approved as the Law directs & as an evidence of it produced the Dedimus Potestatem, w^{ch} he called his Commission of approbation but they afterwards discovered that he had overated his interests & hopes, & are therefore excusable if they told the prop^r he was approved, believing he would not have been so positive to his own hurt and theirs.

2d The want of an approbation doth not unquallyfy a man to be a Gov^r but only lays him under a penalty if (neglecting to pursue the means of obtaining it,) he act without it, for otherwise the act of parlt gives the King a Negative, there needing no more to break the prop^{rs} commission or any other of the like nature, than for the King to refuse to approve, let the person be never so well qualified w^{ch} the Act could never intend. Besides if an approbation were indispensable necessary, there lyes a Quo Warranto against the prop^{rs} Charter, & the Kings not using it, is an argument it is not indispensable.

blie necessary, the tryall he offers them being upon another Topic viz. whether governm^t is assignable, for it would not be on the foot of the approbation all means having been used to obtain it and the D^s. of trade granting an allowance to A. H. to act till the tryall was issued & it cannot be charged as a crime on them or him w^t y^e Ld^r refused to grant.

3d This depends upon the forms for if the prop^{rs} Commission be good without an approbation G^r B. superseded A. H.

4th And this also answers the 9th.

5th It is certainly the Kings busines not the peoples to dispute the powers of the prop^{rs} Commission or inquire into the qualifications of a Gov^r. They know the prop^{rs} did not set up a governm^t at their own hands but were authorized by King Charles & the Inhabitants Commanded to yield their obedience to them as absolute gov^r, and the King only is judge when its proper to recall that order, Nor have they any colour to appoint a Gov^r either by any grant from the Crown, or by the neglect of the prop^{rs} of appointing none.

6th We are not to be wiser in matters of State then our Superiors. The Kings Counsel learned in the Law have resolved it some years agoe in the negative, that the Natives of Scotland are not disabled, & all the succeeding parlt^o have acquiesced in that opinion. Besides the people might easily imagine that if A. H. were disabled on that head, a Quo Warranto lyes and that is the prop^{rs} business to mind

S^r pardon this freedom. We have an Assembly to sit in East Jersey, next week & I set out hence on Munday some time of the day, if your Letter to Mr. Leo., is sent me betwixt now and then it will come in best season & I'll take care of the delivery. Our Assembly breaks up to day. I kiss your Ladys hands & am.

Your most obedient servant,

AND. HAMILTON.]

Burlington, 25 May, 1700.

But Gov^r H. could have put y^t out of doubt by showing ye opinion of ye present councill.

I am sorry for ye love I have to ye poor American colonys, & ye service I have freely Done y^m to see so many of y^m ready to be felo de se & set fire to their own comforts, so much their interest to preserve with all caution & zeal. The Prop^{rs} will always be too hard for you at home, and 'tis a vanity in any to think they can vacate their Quit-rents by offering y^t w^{ch} is none of theirs to give, viz; ye Governm^t. I was ever for taking w^{ht} I could get, knowing y^t ½ a loaf is better than no bread, & if they would be perswaded by me, y^t am also a Proprietor, it should be to concurr wth ye Proprietors in their Gov^r, & by an easy and engaging way to draw from y^m what privileges or benefits they wanted & the G^{ovnt} could grannt without any notable damage to their interest.

Last of all the Gentleman they have named is no stranger, sharper nor morose person, but one of very good qualities & in good esteem both

here & at home. I have said in service to Jersey, justice to him & civility to thyself, improve it to those ends for I mean what I say, & am that Colonys and

Thy assured Friend,
W. P.*

Indorsed.

"Gov^r to SAML. LEONARD,
"of East New Jersey 26th 3d mo. 1700."

COPY. WM. PENN, TO WESSEL ALRICKS, 1700.

W. ALDRICK,

The Court I am informed, y^t Jon. Taylor complains agst was had at his own instance and desire, w^{ch} if true shews him very unfair. I have in defence of my own authority been obliged to declare ye judge^{mt} of that Court void not in any particular favour to him for I would have justice done but because they could not hold a special court without a special Authority w^{ch} they then had not for that, and, therefore, it has been ordered in Council that he should be enlarged but not till such time as y^e Widow Robinson can bring another action against him, that she may not be defrauded of her just dues; I therefore, hereby strictly command & require thee as thou wilt answer ye contrary at thy peril by no means to suffer him to be at large till Justice ffrench shall give thee notice on the 2d day and the other writt be ready for which I will stand by thee agst all his Complaints and Noise, according to thy own Desire I have Commissioned Joseph Wood to succeed thee in thy Office, Jd.

Indorsed.

"Gov^r to W. ALDRICKS, June, 1700,
"about J. TAYLOR & laying down his place."

COPY. WM. PENN M. BIRCH, 1700.

Philada. 2d 4th moth 1700.

M. BIRCH,

I recvd thy short hand Letter of the 28th past, and am sorry that after so much care taken to make masters of Vessels remember their duty to ye Port and Solemn Promises given by them before they are discharged here, any should be so rude or negligent as to pass you by unregarded. There is a short Bill now before ye Assembly to make the Omission penal. Yet hadst thou a boat as Collectors in other places have, and which thou canst not think I am obliged to

* This appears to have been an opinion in the first instance furnished to W. P. by Andrew Hamilton in his own hand, which W. P. now sends to his "unknown friend," W. P's. letter commences above the opinion & seems to be an introductory sentence. The first sentence and the concluding portion after the opinion are in Penn's writing, as also occasional alterations; the part in [] is in Hamilton's. Considerable difficulty existed in regard to proprietary appointments in N. Jersey.—See Mulford, 270, 274.

† See Colon. Rec., Vol. 1. p. 558.

find thee, thou might easily take a course, having a Law on thy side and art like to have a stronger, to make them more observant and bring the Refractory to reason. Thou canst not expect that any at Philadelphia 40 miles dissant from you can putt Laws in execution at N. Castle, without any care or vigilance of Officers there, if so there needed none in the place, especially since no place in the River or Bay yields y^t prospect y^t is at New Castle of seeing 20 miles one way and a dozen the other, any vessel coming either up or down.

I must confess I thought the particular regard I have always shown to the Kings Concerns since my arrival, as well as to his more immediate officers, and their particular Interests might have deserved better Returns than such testy expressions as thou flings out in thy Letters both to myself and of me to y^e Members of Council. If thou canst not think the Justice & Respect due to my Station & Conduct, thou must not take it amiss if I think myself obliged to better inform thee, the Members of Council for N. Castle very well know how often since this session I have publicly expressed my resentment about the Law not being observed & charging them to remember that a clause be brought in to lay a punishm^t on those that shall dare to offend before thy letter came to hand and that the Provisiion might be sufficient & satisfactory, the Members of y^t County were ye chief of ye Committee appointed about it. Pray lett not me be a sufferer for ye Pique thou hast against ye Collector here. I have nothing to doe wth yor difference lett yor M^{rs}. at home decide it what comes fairly before me I shall acquitt myself of, with Hon^r & Justice to ye best of my understanding w^{thout} regard to fear or favour for those sordid passions shall never move ye Propriet^r & Gov^r of Pensilvania, & thy fr^d

W. P.

I understood thou talks of writing home, and making I know not what complaints. I hope thou wilt be cautious in that point least I should write too, which when I doe, may prove loud enough to make thee sensible of it, at a distance. If thou understands not this, it shall be explained to thee next meeting, or when I am more at Leisure.

Thy well wishing ffriend.

WM. PENN TO—ASKING HIS SERVICE IN THE ASSEMBLY,
1700*.

New Castle, 8th, 18th 1700.

Loving friend,

The People having choosen away most of my Council to serve in Assembly, and wanting able persons to advise wth me on the grand affairs now in agitation, of settling the Governm^t I hereby desire thee to attend me wth ye first to sitt and assist me with the best of thy advice in the important business now before us. T'is what

thy Zeal for the publick Good, I hope will not suffer thee to hesitate upon, and thy Compliance will much oblige

Thy very Loving friend,

W^M. PENN.*

Indorsed.

"Gov^r to ———

WE Widaagh, alias Orytyagh, and Andaggy-junkquagh, Kings or Sachemas of the Susquehannagh Indians, and of the River under that name, and Lands lying on both sides thereof, doe declare That for and in Consideration of a Parcel of English Goods, unto us given, by our Friend and Brother, William Penn, Proprietary and Governour of Pensilvania, and also in Consideration of the former much greater costs and Charges, the Said William Penn, hath been at in treating about and purchasing the Same. We doe hereby Give, Grant, and Confirm unto the Said William Penn, all the Said River Susquehannagh, and all the Islands therein, and all the Lands Situate lying, and being upon both sides of the said River, and next adjoining to ye same, extending to the utmost confines of the Lands, which are or formerly were the Right of the People or Nation called the Susquehannagh Indians, or by what name soever they were called or known thereof, and also all Lakes, Rivers, Rivulets, Fountains, Streams, Trees, Woods, Underwoods, Mines, Royalties, and other Mines, Minerals, Quarries, Hawkings, Huntings, fishings, fowlings and other Royalties, Privileges, and Powers, whatsoever to them or any of them belonging, or by them enjoyed, as fully, and amply in all respects, as we or any of our Ancestors have, could, might, or ought to have, had, held, or enjoyed. And also, all the Right, Title Interest, Possession, Claim and Demand, which we or any of us or the said Nation or any, in Right of the same have, or hereafter can or may claim, to have in the same. And we do hereby ratifie and confirm unto the said William Penn ye bargain and Sale of the said Lands, made unto Coll. Thomas Dongan, now Earl of Limerick, and formerly Govern^r of New York, whose Deed of sale to the s^d Govern^r Penn we have seen. To have, and to hold, the s^d Rivers, Lands, and p^misses, hereby granted, and confirmed with their and every of their Rights, Members & Appurtenances, unto ye s^d Will. Penn, his heirs and assigns, to the only proper Use, and behoof of the said Will. Penn, his Heirs and Assignes forever. In witness w^of we have, for our Selves & Nation, hereunto set our Hands & Seals, the thirteenth day of September, 1700.

his

WIDAAGH ✕ al^s ORYTYAGH. [L. S.]

Mark.

his

ANDAGGY ✕ JUNKQUAH.

Mark.

* Signature original.—The name of person addressed is not mentioned,

Sealed and Delivered In the presence of

EWD. ANTITT.
HEN. TREGENY, Esq.
EDWARD SINGLETON.
DAVID POWELL.
JAMES LOGAN.

Recorded page 73, &c.

N. B. BOILEAU, Sec^r.

The second Day of August, in ye Year of our Lord, One Thousand Seven hundred & thirty-five, James Logan, of the Northern Liberties, of the City of Philadelphia, Esq. Upon his solemn affirmation, according to Law, doth declare & depose, That he was present and did see the within mentioned Kings, or Sachemas, named Widaagh, its Orytyagh, al's Andaggy-junkquagh Seal & as their Deed deliver the Writing or Conveyance, within contained, And that the name of this Affirm^t thereon indorsed, as a Witness of the same, is of his own hand Writing.

JAMES LOGAN.

Affirmed

At Philadelphia, the Day and Year, above s^d, before me, Thomas Griffiths, One of the Justices of Peace &c., WITNESS my hand & Seal. [L. s.]

THOMAS GRIFFITS.

Entered in the Office for recording of Deeds, for the City & County of Philadelphia. In Book F. Vol. viii. page 242 &c., the 26th day of August, A^o. Dⁱ., 1735. Witness my Hand and Seals of my Office, the day and Year above.

C. BROCKDEN, Rec^d.

"Susquehannah River & Islands, therein, and Lands on both Sides, granted by Widaagh, and Andaggy-junkquagh. Confirming Gov^r. Dongan's old Deed to Gov^r. Penn."

WM. PENN TO ROBERT ASHETON, 1700.

NEW CASTLE, 9^{bre} 1st, 1700.

R. Asheton.

The new Minister* Sent over for Philad^{ia}., has been with me, and appears a man, Sober and of a mild Disposition, y^t may (be) p^evailed wth to be easy, I must y^r fore desire thee to use all early methods by thyself, and such others of yo^r Church as are for Peace, and a ffriendly understanding to make impressions on his mind for the best, and by all seasonable means, endeavour to dispose him to an easiness of mind and good inclinations to the Publick, and the People in general he is now to live amongst assuring him that while he behaves himself

* Probably the Rev^d., Dr. Evans, of Christ Church, who arrived about this time, and continued in charge till 1718.—Dorr.

with Candour and Ingenuity, he shall want no Goodwill from, nor kindness that I can shew him, and that he may expect as much favour in all reasonable things, as he could from any Gov^r of his own way. They care in this, I hope I may depend on having assurance of thy good inclinations to the peace of ye Publick, and that thou art sensible one of the greatest Advantages to be reaped from Religion is a quiet and easy mind, w^{ch} as it is inwardly enjoyed, will show itself no less in all exteriour things. As thou finds Occasion, a line from thee on this head would be acceptable to Him that is wth kind Love to thy self & family

Thy assured fr^d

& affectionate kinsman. W. P.

"Gov. To R. Asheton, about, ye Ch. of Eng^{la}, Minister, N. C. 9^{ber}, 1st, 1700."

COPY WM. PENN TO GOV. BLACKISTON, 1700.

NEW CASTLE, 6th 9thmo. 1700.

Gov^r. Blackiston.

Thy obliging Lett^r shews thou understands the Court as well as Camp, and I am so little seen in either that I must not plead to an adequate Return. By this time, Gov^r. Nicholson has at large informed thee of all who surprised me at New Castle, when I thought him upon ye Coasts of Virginia. I see one must be upon one's guard with Soldiers, y^t understood so well, beating up their neighbours Quarters.

I am to Complain of one Cap^t. Barford, who has exceeded all bounds. He has not only without the Consent of Passengers or stress of Weather, altered his port and injured his passengers extreamly by it, but forced serv^{ts} bound by Indenture to serve here, to serve in Maryland, and by such threats of treatment as hardly have example. I do in the name of our gen^l Assem^{bl}y and laws of our Province, as well as in behalf of the s^d serv^{ts}, beg of Gov^r. Blackiston an examination of this affair, for example sake, and that we may have Justice agst the s^d Cap^t. Barford, at least as far as relates to ye, serv^{ts} leaving the rest to the undertakers at home to consider of.

I can plead to no news so late as what ye ships bring you daily, but shall take it as a favour, if I may by such opportunities, as offer, hear what is of importance, of ye freshest date. All I have now to add is the best wishes for thine and Ladies health and happiness, and that I am wth out reserve, but wth respect,

Thy very faithful fr^d to serve thee,

W. P.

I have desired S. Chew to sollicite this matter.

COPY—W. PENN TO OWNERS OF SHIP PROVIDENCE, 1700.

NEW CASTLE, Pens^{ia}, 8ber 18th, 1700.

ESTEEMED FRIENDS:

Expecting before this Cap^t Lumby would have reciv^d Ord^{rs} from you about yo^r Ship, and from the Employers about ye Cargoe, I have hitherto deferr'd writing, but now finding you are both likely to Suffer by yo^r neglect, am forced to putt you in mind of the ruinous Condition of your Interests in them. Through that unhappy Slip of neglecting the Register, both Ship and Cargoe were condemned before my Arrival, So that there is now no Remedy here, but that you should take care of the Third allotted to me by Law, which when you please to give orders for it, remains at yo^r Service, and to gett the other two thirds as easy as you can. These I have prevailed with the Judge of Admiralty to offer ye Cap^t for £200 this Countrey Money, amounting to about 130*l*. Ster., with which I cannot but think it will be your Interest to comply, if you can find no other means to relieve your Selves at home. The Third of the Cargoe which upon Division was Sent me waits also for the Merchants Orders, for I intend not to be concerned with any part of it, but 'tis already much damaged and delay will make it worse. This is all I can serve you in here, and if you can do no better for your Selves there, I hope you will kindly accept of it from

Your Loving friend, WM. PENN.*

COPY—W. PENN TO JOSEPH COYSGARNE, 1700.

NEW CASTLE, Pens^{ia}, 8ber 24th, 1700.

ESTEEMED FRIEND,

I recv^d two of thine with thy kind psents of ffish, for w^{ch} I must own my Self indebted, and am Sorry this place affords nothing at psent to make suitable Returns wth, But any thing I can oblige thee in at this distance, thou may assure thyself of one ready to befriend thy Interests, in me. That place affording more frequent Opportunities of Communication and Advice from England, I shall take it kindly if as often as anything offers of mom^t that is new, thou would take all occasions to acquaint me with it. By a passenger on Cap^t Burford from London bound for this place but putt in at Maryland I last week rec^d the Inclosed relating to that affair thou hast sometimes discoursed and wrote to me about, I am sorry it lies not more in my way to be serviceable to her, for she really deserves kindness and favor, but hope the recommending it to thy particular care will sufficiently supply what might otherwise be suffered by my dis-

*Appears to be his signature, though the text of this and most of the letters at this time are in the hand-writing of J. Logan.

tance, I need not I believe say any more nor intreat thy dispatch in it, but shall conclude.

Thy real and Assured fr^d
W. P.

JOS. COYSGARNE.

COPY. W. PENN TO COL. QUARRY, 1700.

11 9^{ber} 1700 from N. Castle.

ESTEEMED FR^d:

Thine came just now to hand having mett with a days delay here by not being del'vd into y^e hands of any of my people, but y^e Sheriff's Serv^t who brought it me not 6 minutes agoe.

For y^e Rep^t I never heard of it before save of peoples talking that y^e Att. Gen^l intended to goe to justify proceedings, & I doe earnestly desire thee to let me know any one of those y^t are called my fr^{ds} y^t have made that report viz^t that thou wert sent for to Engl^d and y^t y^e Admiralty proceedings from first to last are declared voyd, & I will have him proceeded ag^t as a defamer & spreader of lies & false & defamatory news & stories to y^e utmost Rigour. I am sorry it moves thee so much, I could say on my side how ill some people use me by very unfit Rep^{ts} highly punishable, but must make allowance for y^e gidey and weak side of mankind, of w^{ch} more wⁿ we have Leisure, I fancy y^e reason of Coots prolong, (as one of y^m but just come abroad tells me) this business is because y^e Return must be made in 60 dayes to Doct^{rs} Commons & y^efore drive it off till y^e ship is neerer Sayling w^{ch} will not be these 14 dayes, however I shall send for Herm. Coots & inform him, for my p^t I was oy^ewise employed than to be particular in writing & I thought it an ungrateful Office & left them to their Liberty in proceeding, for as I will yield my assistance where desired, I shall not be officious, especially where y^e Officers of y^e Admiralty, may have the least occasion to misunderstand me, or y^t they seem to ly under a discouragem^t from y^e first, I ever thought this would come to a dispute at home, but I never concerned myself wth any p^{son} at home that could give the least help to this issue, & what it will yet have I know not, for I take this to be of y^e nature of Writts of Error at common Law to bring things to another hearing. Depend upon it I will not be wanting in any thing in my power to serve y^e Admiralty & countenance their Officers, and depend also upon thy free fast and kind assurances when we were last together at my house, & have been easy at all rep^{ts} upon that very Acct, I had forgott to tell thee y^t y^e Sherif ask'd me if y^e Inhibitions might be served by him w^{ch} y^e Coots desired, I answered in y^e p^{sence} of a witness, (not of my fr^{ds} & of good fame) by no means, if it might be done another way, lest it should give Col. Quarry & y^e Att. Gen^l an Offence w^{ch} I would have him learn of Col. Quarry first, adding p^haps they will not matter, but rather desire it since y^e Attorney Gen^l says it's only formal. This farmer can assure thee of, I shall

add no more but advertise Coots to hasten his Inhibition to be served.
I could wish thy Affairs on many acc^{ts} would stay thee a week longer.

I am sincerely thy Affect & real fr^d,
W. P.

I send y^{ee} y^e Coots Lett^r w^{ch} is very brisk and w^{ch} pray send me again.

COPY.—WM. PENN TO COMMISS^{es} OF CUSTOMS, 1700.

PHILADELPHIA, 9th of 10^{br} 1700.

Honoured Friends.

In my last, mentioning the bussiness of M. Birch, the Collector of New castle, and James Meinzie, I promised to make a full Inquiry into that affair, with an Intention to bring it to a Second Trial. In pursuance of which I omitted nothing that might have the least tendency to clear it. I summoned Meinzie, (whom I had under at Security,) the Collector, and all other persons concerned, to appear Philadelphia, before me and Council, where we had it under examination two days, but could find no Grounds for bringing it to another Trial by a Jury as intended. The Kings Advocate, here gave his Judgem^t that it was improper, and by all it was thought useless, Birch himself refusing to prosecute it, only offered to be Evidence for the King, if I would bear his Charges up hither, which I did at the rate of 8^s p day, during his Journey and attendance, notwithstanding his former pretended zeal for the Kings Service. I also bore the charges of all the Evidences he could bring with him, but upon the whole, we could find none strong enough even to excuse the trouble Meinzie was putt to, it having obliged him to give some Months Attendance in these parts, (for he lives at Boston) for fear of forfeiting his Bonds.

But the Subject will Scarce, I doubt, deserve any further words: Birch himself is lately dead, and the two Pirates in the Boat, who were then out of prison upon Bail, taken, are executed, as we hear, by the last news from N. York, and nothing could be proved against Meinzie the only pson of the Company Surviving, otherwise he would have suffered smartly for it.

The Collect^r deceasing about 6 weeks agoe, I thought my self obliged least the Kings affairs should Suffer, to appoint one in his place till ye^r pleasure were known, his name is Joseph Wood, a sober man of a good Reputation, faithful I believe, and understanding, he has been Sheriff of that County for Some considerable time, and will Serve the best of any I could find, till you please either to dispose of it otherwise, or if you think fitt confirm it.

In company of this come the Naval Acts for the two last Quarters. My longer Stay at N. York wth L^d Bellom^t and Govern^r Nicholson, than was expected, occasioned me to Slip the Opportunity in 7^{ber} last, I designed to send by. Because so many Complaints have been

agst us upon the Acc^t of Trade, I resolved to keep that Important office in my own hands till I had time to look about me and consider of a person fitt for ye trust. I intend now speedily to constitute an officer, but of two or three in my eye, I have not yet fully resolved whom to choose, when I doe, which will be before my next, I suppose, you shall hear of it.

By any thing that has past since my Arrival, You will find no occasion I hope to blame us, and doubt not but you will be more just than to hearken to the groundless Insinuations of those who make it their chief business to give publick Disturbance, and an Impartial Trial, I shall never have reason to fear.

I have only this to request of you, that among other Instructions that you may think requisite for our better conduct, You would be pleased to give some Directions about the Curasao Trade. They goe from hence with Provisions only, and pretend to bring back nothing but money, but that Trade affords so many temptations for importing valuable Dutch Goods, that I know not how to be sufficiently secure in it, considering the Length of our River. But Your Advice if you please to favour us wth it, will clear all, in which you will much oblige

Your faithful

Loving Friend,

WM. PENN*.

COPY—WM. PENN ESQR. LAWTON, 1700.

Dear ffr^d:

I writt about 14 days since in some haste, and wish it get safe. I inclosed a Letter to L^d. Rumney and Lord Ch. Justice Holt, and one to L^d. Sommers, the Lords of the Adm^{ty}. and the Comm^{rs}. of Trade and Plantations, wth Coll. Quarry's lett^r, ye Gov^{rs} Answ^r, Commission of Water Bailif, state of ye Case Ship Providence, Warr^t of Survey on ye sloop, & E. Randolph's lett^r to Wm. Clark, thy careful Delivery of all w^{ch} I cannot doubt: I have informed the L^{ds} of Trade, before whom it is only cognisable, that thou art my Agent for this Governm^t; I am sorry that it is no more beneficial than it yet appears, but it will be worth more than House rent, and I hope the trouble will neither be frequent nor extraordinary: I have had 5 letters from thee almost all at a time, one a packet of ye 5 mo. (July) last; in some thou art kind, in others Stormy, but I know thee so well, and in the main reasonable in thy Resentm^{ts} that I will say no more of it only this, I knew there needed no Exactness till I got hither, and the unspeakable Crowd of Business at parting made it then impracticable, and what I have mett with here is without Example, and what a Diadem could not tempt to undergoe seven Years, faction in Governm^t and almost indissoluble knots in Property. I sent my letters, some of them I am sure, open, to Save me the fatigue of

* Appears to be original signature.

writing one thing twice over. The Purport of these Letters is to answer two from the L^{ds} of Trade & one from the L^{ds} of the Adm^{ty}, and to take notice of the Inhibitions that come from that High Court about Capt. Lumby's Ship and Goods, seized here and condemned, and goods apprized & disposed of by Coll. Quarry the Judge, and Muns the Advocate, my third remaining in statu quo, denying to accept of it, as thinking it a barbarous case, the Inclosed states it; all I desire is, that I may not suffer by or for that w^{ch} I had rather have suffered than have done or been concerned in. I must desire thee to look out the Quaker's Attorney, w^{ch} John Edge in Hatten Garden, or Jn^o field can inform thee of, in the Doctors Commons, or any thou knowest; I believe Waller would doe it, Muns' brother, he owes it me to Vindicate me on these Inhibitions. Heads.

The Gov^{mts} uneasiness at ye Adm^{ties} Rigour, formerly a fault here, now the Adm^{ty} at home treat it as an Error. If it was worth while at first to erect Courts of Adm^{ty} in Am^{ca}, it would be for the King's service to have experienced Officers in it, for as these manage, great Discouragem^t is given to trade, 4 ships having gone to other ports y^t were bound hither, by w^{ch} I have lost 50^{lb} and ye Country 100^{lb} by each, & ye passengers suffer greatly. Coll. Qu. sends home a Coppy of the Comm^{ion} to the Water-bailif, disturbed by the Inhibitions, preys upon all, because no Salary but the King's third; the Quakers made the p'tence when any point is to be gained or covered, as by his Lettr to me at N. C., of w^{ch} are inclosed Copies, they are voracious, would have p'swaded me not to have sent home Bradenham's boy; p'swaded ye Money was my Royalty, under prize the Goods, that if the King's third be to be accounted for, they may gain by it; Instance the Guns sold by J. Moore for above 22^d p' C, w^s apprized but at 10, So they served Lumby; but if a Ch. man come in play he is favoured, of this proof can be made by Depositions. Salute me L^d Haversham, & tell him ye Adm^{ty} is no Inheritance to him, but the common Law is, & hope he will not Countenance their Ignorance: ye Judge affirmed the Court had more power here than that in Engl^d, they pursue the letter of their Comm^s; the Advocate confess'd there was not one in Am^{ca} understood ye Civil Law or Doct^{rs} Commons; at what a pass then are prop^{ry} Gov^{mts}, who, unless they will run their heads agst the wall are in danger of being quo warranto'd by the late Act agst Piracy, a weak thing, what done this Assembly about ye Act of Piracy. As for ye Comm^{ission}, if I can make a Mayor and not an Officer under him, 'tis odd; and to have 300 miles of water and yet no power to serve a Writt on it, is to grant a country wth out a way to it; ye Contrary has been practised ever since a Gov^{mt} till these Gent^{men} had their Com^{ions}, & now what is granted by ye 7th & 8th of Wm. ye 3d is allowed them, but they will have all the power even in Creeks not 20 foot over, without considering what is infra Corpus Comitatus, & will have all actions tryed by ye Adm^{ty} w^r it is without a Jury, but I hope, if I live 7 years to, see those y^t give away men's estates wthout a Jury punisht, tho' not

so rigourously as Empson & Dudley, & of Lumby's business two, w^r both Judge and Advocate are parties for ye thirds. I am too far off to make trips to Whitehal, oy^rwise Westm^r, ye parlm^t, &c., should have rung of it, as well as ye Exchange. 'Tis a great Affront & Injustice that my Waters should be under another Vice Adm^{ty}; to talk of a Country and no waters, a prop^r or palatine & no vice adm^{ty}, nor to be L^d of ye Waters, has a contradiction in it: inculcate this to ye L^{ds} of Adm^{ty} & Trade, for I have sent over a Dep^{ties} name for Approbation.

Hinder Randal, our Enemy, a knave, &c., from returning bas plaid many pranks; was p^rogative's tool to Destroy N. Engl^{ds} Charter; occasioned my disputes 5 years; treated wth ye Pirates for pardons. I send an original Lett^r of his to W. Clark, wth whom he dispensed wthout an Oath, tho' he made that a charge against us: S^r R. Southwel was his protect^r, & wⁿ I left Londⁿ his great Enemy for baseness: R. Harly has great power wth him, who had a better man in his eye, one Brinton: S^r R. S. has Interest — Coll. Bass & Coll. Barkstead are Alsations, wooden Colonels, litle witt, &c., ingrate to ye last, my great Enemies; Bass, & a Liar ye same, lett him not come hither; ye popish friar, his fr^d, & his wife, are dead, both cunning & his fr^{ds}. See R. West on this, Gov^r Ham^l fr^d agst Bass.

Endeavour to keep up ye hearts of ye Jersey Prop^{rs} not to give up ye Govm^t; directs where to find them and whom. Use ye Copy of ye Commission of Water Bailif as occassion serves to ye Adm^{ty}, &c., and observe their motions.

I have three things to beg of thee, 1st, to have ye power of ye Council Board & H. of L^{ds} concerning ye nature of Cases of Law cognisable before y^m, choose a good hand for it, not full of practice, & afterw^{ds} show it to Mompesson or S^r Barshear; 2dly, ye Nature & Custom of ye Castle of Windsor. Give R. West a guinea now & then, I fear him in ye surrender of the Jerseys, he has always profess friendship, putt him in mind of it; he advised me to stay & settle matters, but Coll. Quarry, &c., wth their artful Letters, helped by the Bp. of London & G^r Nicolson, would not suffer it—Church is their Cry, and to disturb us their Merit, whose labours have made the place; they misrepresent all we doe, & would make us dissenters in our own Countrey; the Bp. of London at ye passing my Pat^t did what he could to gett savings for ye Ch., but was opposed by ye E. of Radnor, yⁿ Presd^t. Am civil & equal to y^m all, putt them in all places of profit, save one, inⁿ this County, Adm^{ty} Adv^{ois}, Att. Gen^l; 3 of ye oy^r 5 Counties all theirs, but this is not enough, they must have all; and what they do not attempt in State they do boldly in ye pulpit; depending on my principle for Impunity ye p^sent Minister brought over printed books & broad sheets in great quantities to be pasted up in their Houses, is this submission to Govm^t? this p^sent man, of himself pretty quiet, therefore what he does is concerted at home; we are much Superior to them in Number & Estates;

2 to 1 in number, 4 to 1 in estates, 20 to 1 first Adventurers. G. K.'s Hypocrisy first open'd ye way for this violent spirit. This is our case, pray use all endeavours to gain upon ye Bishp. if he remember not our encounter before ye K. in 77, Sr R. Southw¹, L^d Bradford, & ye Duke of Leeds being p'sent, an allay sure may be found: Sorry ye Lett^r to the Comm^{rs} was so long. Have wrote to the Lords of Trade about the Pirate's Goods; mentions what is done in it; ye Goods confess'd to come near ye value; these were Coll. Fletcher's folks; a bill on Saml. Vaus & Cartwright. We are all well, &c.; procure the Dep^{ty} wⁿ approved to be vice-admiral.

P. S.—Several things here not to be shewed; Coll Quarry is come home, confesses he has wrote y^t he has now nothing to doe here since that Comm^{ion} is granted, and is more dissatisfied with the order of Survey upon ye sloop that sunk, a miserable case; In short, he sayes we can do nothing of Search, Arrest, Attachm^t, suppression of Riots, &c., on ye Water before our very doors. If I can will send thee a Copy of his Commission; pray labour this point; expect it with our Laws, w^{ch} come shortly: Edw. Singleton is gone to Barbadoes for Engl^d. Respects to L^d Haversham, tell him I doubt not his Generosity took what he said as he meant, it imports my family having sunk 30,000^{lb} to make this Prov., and is hard if litle hungry folks shall be credited & gratified as often as they take ye name of King Charles, &c., in vain; him I take to be no Enemy to a Dissenter; under y^t Notion we have been maliciously treated in our own Country; I could detect some gross abuses if needful, for Quarry offers to rep'sent home wth me for Explanation and Resolutions, but pray lett the King's common Law Council, as well as civil, agree ye point; L^d Ch. J. Holt & Sr J. Cr. may be of Use. My Boston Letter, &c. have none of this. Coll. Waltrop lives amicably with the civil power; nothing there done in ye Adm^{ty} but king's business and sup. Altam mare. Salutes to L^d Shaftsbury & Vice Archbp., &c., &c., shall write to, farewell.

COPY—WM. PENN TO JUSTICES OF NEW CASTLE, 1701.

Loving fr^{ds}:

With this comes a new Com^{ion} of ye Peace for ye County of New-castle, w^{ch} I doubt has been too long delaid. Soon after ye time the two lower Counties had theirs I fully design'd you a visit, & y^rfore deferred Sending it till I were with you my self, w^{ch} happen'd not to be till the Assembly came 'on, my lameness first & yⁿ my Journey to N. York delaying me. The Commission was then ready for filling up & Sealing wⁿ with you, and I fully designed to have it published before I left you, but ye hurry you are Sensible we ended the Sessions in, occasion'd that as well as some other things to be omitted. Since my Return hither it was thought needless to send it wthout a Copy of the Laws, w^{ch} it was hoped would have been ready

by this time, but the Coldness of the Weather and Scarcity of good writers has not yet suffered us to have them compleatly finished. Having however so good a hand as the Bearer, one of Your Selves, I could no longer defer Sending this, and doe Assure you that some time next week or before the Court Sitts, w^{ch} I hear is a fortnight hence, you shall have the whole Body sent as compleatly as they were past.

Let me now request you, my fr^{ds}, to remember the Importance of your Charge, and this I must desire you on all occasions to exert for ye maintenance of it self against ye Rudeness & Insolencies too often practiced here both by under officers those at the Bar and Spectators. You are Intrusted with the Administration of Justice; You are her Officers, and by you in a great measure she must be distributed among the People your Neighbour; You are Trustees of ye peace, and are not called so much to serve me or any Interest of mine, as to serve the Publick, to whose Good each man is born a Debtor. The Nomination 'tis true belongs to me, but as Virtue, Prudence and a good Example is what always ought to determine the Choice So I doubt not but these Qualities in you will Justify mine. I need not putt you in mind, I hope, what Efficacy & Influence the Example of Authority has always had on the minds of the people, nor can you be insensible that ye Managem^t of those that stand invested wth the power of the Laws often works stronglier on the minds of those about them than the Apprehensions of the Laws themselves. And in this part I shall chiefly recommend a mutual agreem^t and Unanimity among your selves, especially on ye Bench and in ye Eyes of ye People, that Authority may be the more effectually p^rserved, wth out w^{ch} the Administration of Justice will ever prove lame. The Laws I must desire you to see exactly putt in execution, & suffer no Delays of time either in Corporal or pecuniary Punishm^{ts}, by remitting them to me. The Law is made against offenders, they know the Conditions they transgress upon, and if they chuse one they must not refuse the other, for Mercy to the undeserving is a publick Injustice, and I shall reckon all Such who come to trouble me on those heads, without yo^r express Recommendations.

Richd Halliwell, at his own earnest Instance, I have left out, tho' not without some Regrett to my self.

I desire the God of Wisdome may guide you & direct you not only in this but in all yo^r Lives and Actions, & am wth good wishes,

Yo^r very loving fr^d.

COPY.—WM. PENN TO JOHN HANS, 1701.

Jno. Hans.

Thou hast often promised to visit this place in order to treat with me about thy Indian Trade, but hast as often disappointed me. Thy prent mauagem^t thereof amongst us is directly contrary to our Laws, I have y^efore Stopt thy Goods intended for Lechay, till according to

thy freq^t engagem^{ts} thou come hither thyself and give further Satisfaction than thou hast yet done to

Thy fr^d.

W. P.

12, 2^{mo}. (Apr.) 1701.

ARTICLES OF AGREEMENT BETWEEN WM. PENN & SUSQUEHANNAH IND^{ns} 1701.

INDENTED, Made Concluded, & Agreed upon at Philadelphia the Twenty third day of the Second Month, called April, in the year One thousand Seven hundred and one, between WILLIAM PENN, Proprietary and Governour of the Province of Pensilvania, and Territories thereunto belonging, on ye one part and CONNOODAGHTON, King of the Indians inhabiting upon and about the River Susquehannah, in the said Province, AND Widaagh, (alias Orettyagh,) Koqueesh and Andaggy Junkquagh, Chiefs of the said Nations of Indians and Nopaththa, King Lemoytungh & Pemoyajooagh, Chiefs of the Nations of the Shawonnah Indians, AND AHOOKASSOONGH, Brother to the Emperor, for and in Behalf of the Emperor WEEWHINIJOUGH, Cheequittaagh, Takyewsan, Woapathoa, chiefs of ye nations of Indians inhabiting in and about the Northern part of the River Potomack, in the said Province, for and in Behalf of themselves and Successrs, and their several Nations and people on other part. As followeth.

THAT as hitherto there hath always been a Good understanding & neighbourhood between the said WILLIAM PENN, and his Lieutenants since his first Arrivall in the said Province, and the Severall Nations of Indians inhabiting in & about ye same, so there shall be forever hereafter a firm & lasting peace, continued between the said Wm. Penn, his heirs, & Successors, and all other the English & Christian Inhabitants of the said Province, & the s^d Kings & Chiefs & their Successors, & all the several people of ye Nations of Indians aforesaid, and that they shall forever hereafter be as one head & one heart, & live in true Friendship & Amity as one People. ITEM, that the s^d Kings & Chiefs (each for himself, his people engaging,) shall at no time hurt, Injure, or defraud, or suffer to be hurt, Injured, or defrauded by any of their Indians any Inhabitant or Inhabitants of ye said Province, either in their persons or estate. AND that the s^d William Penn, his heirs, Successors, shall not suffer to be done or Committed, by any of ye Subjects of England, within the said Province any Act of Hostility or Violence, Wrong, or Injury, to or agst any of the s^d Indians, but shall on both sides at all times readily do justice, perform all acts & offices of friendshipp & goodwill to oblige Each other, to a lasting peace as aforesaid. ITEM, that all & every the s^d Kings, & Chiefs, & all & every particular of the Nations under them shall at all times behave themselves Regularly & soberly, according to ye Laws of This Govern^t while they live near or amongst ye Christian Inhabitants thereof, AND that the said Indians shall have the full

& free priviledges & Immunities of all ye Said Lands, as or any other Inhabit^t they duely Owinng & Acknowledg^s ye Authority of the Crown of England and Government of this Province. ITEM that none of the said Indians shall at any time be Aiding or Assisting or Abetting to any other Nation, whether of Indians or Others, that shall not at such time be in Amity with the said Crown of England & with this Government. ITEM, that if at any time any of the said Indians by means of Evill minded persons & sources of sedition, should hear any unkind or disadvantageous Reports of ye English, as if they had, evil designs wth any of ye s^d Indians, in such case such Indians, shall send notice thereof to ye s^d William Penn, his heirs or successors, or their Lieutenants, and shall not give credence to the said Reports till by that means they shall be fully Satisfied concerning ye Truth thereof and that the said William Penn, his heirs, & successors, or their Lieutenants, shall at all times in such cases do the like by them. ITEM, that the said Kings & Chiefs & their Successors, & people shall not Suffer any Strange Nation of Indians to Settle or plant on the further side of Susquehanah, or about Potomock River, but such as are there already seated nor bring any other Indians into any part of this Province without the Special Approbation & Permission of the said William Penn, his heirs, & Successors. ITEM, That for the Prevention of Abuses that are too frequently putt upon the said Indians, in trade, that the said William Penn, his heirs & Successors, shall not suffer or permitt any person to trade or commerce, wth any of ye said Indians but such as shall be first allowed or approved of by an Instrument under ye hand & seal of him, the said William Penn, or his heirs, & Successors, or their Lieut^s and that ye said Indians shall suffer no person whatsoever to buy or sell, or have commerce wth any of them, the said Indians, but such as shall first be approved as aforesaid. ITEM, that the said Indians shall not Sell or Dispose of any of their Skins, Poltry or ffurre, or any other effects of their Hunting to any person or persons whatsoever, out of the said Province, nor to any other person, but such as shall be authorized to trade with them as aforesaid, and that for their encouragement the said William Penn, his heirs & Successors, shall take care to have them; the said Indians, duely furnished with all sorts of necessary goods for their use, at reasonable Rates. ITEM, that the Potomack Indians aforesaid, with their Colony, shall have free leave of the said William Penn, to settle upon any part of Potomock River, within the Bounds of this Province, they strictly observing and practising all & singular, the articles aforesaid to them relating. ITEM, the Indians of Conostogoe, and upon and about the River Susquenamah, and more especially the said Connoodaghiah their King doth fully agree to. AND by these Presents absolutely Ratifie the Bargain and Sale of Lands lying near and about the said River formerly made to the said William Penn, his heirs & Successors, and since by Orett-yagh & Andaggyjunquagh, parties to these presents confirmed to

the s^d William Penn, his heirs & Successors by a Deed, bearing Date the Thirteenth day of September last, under their hands & Seals duly executed, and the said Connoodaghtah doth for himself and his nation, covenant and Agree, that he will at times be ready further to confirm and make good the said Sale, according to the Tenure of the same, and that the said Indians of Susquehannah, shall answer to the said William Penn, his heirs and Successors, for the good Behaviour and Conduct of the said Potomock Indians, and for their performance of the severall articles herein Expressed. ITEM, the said William Penn doth hereby promise for himself, his heirs, & Successors, that he and they will at all times shew themselves true friends and Brothers to all and every of the said Indians, by Assisting them with the best of their Advice, Directions, Councils, and will in all things Just and Reasonable, Befriend them, they behaving themselves as aforesaid, and submitting to the Laws of this Province in all things as the English and other Christians therein doe to which they, the said Indians, hereby agree and Oblidge themselves and their Posterity forever. IN WITNESS whereof the said Parties have as a Confirmacon made mutuall Presents to Each other the Indians, in five parcells of skinns and the said William Penn in severall English Goods and Merchandise, as a binding pledge of the premises never to be Broken, or Violated, and as a further Testimony thereof, have also to these presents Interchangeably sett their hands and seals the Day and year above written.

CONNODAGTOH, [L. s.]

KOQUEEASH, [L. s.]

WOPATHTHA, [L. s.]

PEMOYAJOOAGH, [L. s.]

WEEWHINJOUGH. [L. s.]

TAKYEWSAN, [L. s.]

WIDAAGH ALS ORETTYAGH, [L. s.]

ANDAGGYJUNQUAGH, [L. s.]

LEMOYTUNGH, [L. s.]

AHOOKASSOONGH, [L. s.]

CHEEQUITTOGH, [L. s.]

WOAPATKOA, [L. s.]

(Seals appended on labels.)

Signed, Sealed & Delivered In the presence of

EDWARD SHIPPEN.

NATHAN STANBURY.

ALEXANDER PAXTON.

CALEB PUSEY.

JAMES STREATER.

J. Le Tort, J.L.S.

JNO. HANS STELLMAN,

JAMES LOGAN.

JOHN SANDERS.

Indian Shewydoohungh,
Harry, HI Interpreter.
his mark.

Pemoquenichchan.

his X mark.

Passaquessay.

his X Mark.

THE second Day of August, in the Year of our Lord One thou-

sand seven hundred and thirty-five, James Logan of the Northern Liberties, of the City of Philadelphia, Esq^r. upon his solemn affirmation, according to Law, doth declare & depose, that he was present, & did see the within mentioned Kings & Chiefs, namely Connoodaghtoh, Widaagh, (a'ls. Orettyagh,) Koquuask, Andaggyjunkquagh, Wopaththa, Lemoytungh, Pemoyajooagh, Ahookassoongh, (Brother to ye Emperor,) Weewhinjough, Cheequittagh, Takyewsan & Woapatkoa, within named, sign, seal, and as their Deed, deliver this Writing, indented, And that the Name of this Affirmant thereon indorsed as a Witness of the Same, is of his own Hand Writing.

JAMES LOGAN.

Affirmed

At Philadelphia, the Day & Year, above s^d, before me Thomas Griffiths, Esq^r. One of the Justices of Peace &c. Witness my hand & Seal. [L. s.]

THOMAS GRIFFITTS.

Entered in the Office for recording of Deeds for he City & County of Philada, in Book F., Vol. 8 page, 243, &c., the [L. s.] 26th day of August, A^o. Dⁱ. 1735. Witness my hands & Seal of my Office aforesaid.

C. BROCKDEN, Rec^d.

Indorsed.

Articles of Agreem^t between Wm. Penn, Esq^r. & ye Susquehannah, Shawonah & Potomock Indians. Confirming Gov^r. Dongan's Deed, to Gov^r. Penn, ever. Very material.

Recorded Page 104.

N. B. BOILEAU, Sec^r.

WM. PENN TO COL. JENKINGS, &c., 1701.

LEWIS ye 6th 3m. (May,) 1701

Gentlemen,

Gaining the 1st time since my arrivall into these p'ts to visit the people know and redress y^{ir} grievances as well as to look into ye condicon of my own Interest, I find a p^{rt} of my quiet possession disturbed by the subsheriffe of Somerset County & p^t of ye Inhabitants claiming under me constrained from y^{ir} obedience and fidelity to me in my 2^{ble} capacity tho' no line be run nor any warr^t from our Superiors at home to justify such an attempt, I shall not enumerate particulars y^t greatly aggravate the fault of ye subsheriffe, but in short say the place is mine unless running the line deprive me being within the bounds of the Dutch settlement & therefore first und^r York and long after nnder my Governm^t w^{thout} his legislation, I therefore desire you as gentlemen y^t I hope wish me peace would seeke peace & preserve it to give no disturbance to the Inhabitants of Cedar Creeke nor any on this side Cape Henlopen, (for this is Cape Cornelius of the privy Council saw in ye old Dutch Mapps & as was certifyed from Amsterdam, und^r ye Seal of ye Dutch East & West India Company's upon the

tryall between the Lord Baltimore and myself to avoid further disputes at least till yor hono^rble Gov^r and my worthy Neighbour Coll. Blackston and myself have concerted this matter & ye Line bee run, for I was first in possession & on my p^rt I shall take all imaginable care y^t no Officer of mine shall encroach either in property or power upon your possession whether ye line may hereafter favour me or not, I wish you all appiness and am,

Your Cordiall & affect^d friend,
WM. PENN.

To my Esteemed friends Coll. Jinking & Lt Coll. Whittington or either of them. In Somerset County, Maryland.

WM. PENN, TO GOV. NANFAN, 1701.

Hon. friend,

I herewth send a Proclamation at ye instance of the Councill of N. York, I hope it pleases, tho' the old one that accompanies it is very particular on those heads.

Our Alarum about a fo. ship in our Bay (tho' banished) has given us some trouble, or I had been larger on ye Kings Letter, w^{ch} upon my return from Maryland I purpose to doe, having communicated it to whom it concerns but we are so poor that there is not one sous or penny in purse above daily expences. I believe we must meet upon ye subject but for that reason I'll say no more now & both refer that & oy^r matters to that time. I am wth truth & esteem,

Thy very Assured & affe^{nate} ffr^d

4 mo. 4, 1701.*

W. P.

COMMISSION WM. PENN, TO GOV. HAMILTON, 1702.

WM. PENN, Proprietor & Governour of the Province of Pensilvania & Territorys

To my Trusty and well beloved friend Collonel ANDREW [L. S.] HAMILTON, Lieutenant Governour of the same.
Greeting,

WHEREAS there was a Charter of Property prepared for my Executing just at my Embarking for England, and time not allowing me a deliberate consideration of the important branches thereof especially as to the large Powers therein exprest, which I put into thy hands to keep in the presence of divers of the Councill, commanding thee that the Seale should not be put to it, notwithstanding I had signed it, till I had well consulted upon it here, unless my silence after my arrivall should exceed six months, I doe hereby direct and declare for Reasons which deeply affect our Common Interest, both in Government & Property, that the seale be not put to the said Charter

unless thou Receivest my orders for that purpose, within six months of the date hereof. Given under my hand and Lesser Seale of the Province this 8th day of the 11th month called January 1701-2.*
WM. PENN.

COPY. WM. PENN, TO COMMRS. OF CUSTOMS.

Honrd frds.

The difficultys ye Merchants of Pennsylvania lye under in their Trade are soe many, y^t should they not be removed, commerce in yt Colloney must drop, w^{ch} may prove as fatal to ye Islands as to my Govern^t w^{ch} is known to be ye Granary of ye West Indies. It is ye Interest of ye Queen to encourage Trade in all her Dominions, and I'm sure we in our parts shall not want it upon due application, but Gent. ye officers of ye Customs being of y^r appointment I shall without applying to any other Board lay some of our Merch^{ts} grievances before you, not doubting but y^r Candor and prudence will redress them. In ye first place ye Mer^{ts} complain of ye duty of 1^d pr £ for Tobacco is exacted in cash upon entry before exportation w^{thout} allowance for prompt payment, time given or allowance upon ye Tob. being taken or lost, it cant be expected y^t in Pennsylvania where ye greatest part of ye Trade is Barter, ye Duty should be paid in Cash, therefore I hope yⁿ will ord^r it to be reced in ye same specie unless yⁿ can think of some other way to ease the Mer^{ts} in this and ye other part of their complaint. I have been allso informed yt ye mistake of an officer in Clearings Coquets Ignorance of mat^s Inadvertences and very light mistakes wherein no wrong could be done in ye Queens Customs have been thought sufficient reasons for a seizure and condemnation, in w^{ch} cases it is not just Merch^{ts} should suffer for officers faults or ignorance of a matr where no fraud is designed, yet this would not be so hard could seizures be taken off soe easily and wth as small charge as in England, but there we must apply to ye Admirallty, who when they find noe fraud intended may discharge ye goods, yet not w^{thout} round charges such are the fees of y^t Court. Gent. I offer not these things as charges agst your officers who I hope performe their trust well, but wh^t I aim at is to obtain from yⁿ such certain Rules and directions for y^r officers to walk by y^t ye Mer^{ts} may be relieved in those matt^{es} and once more be at Liberty to recover y^t part of their Trade, (I mean ye Tob. Trade to ye Islands) w^{ch} has been some time at a stand and must Intirely fall should ye former methods continue. I hope yⁿ will excuse my recommending those matters once more to y^r serious consideration, for they so nearly touch as well my owne Interest in particuler as ye Interest of ye Merch^{ts} Collony in Generall y^t I am indispensibly obliged in Justice to them and myself to get w^t relief I can in ye

* See Colon. Rec., Vol. II. p. 59.—This is probably the document which was to fill the spaces there left. ●

Premises w^{ch} I am well assured will not be wanting to us from Gent. of y^r character and reputation w^{thout} putting ourselves to ye trouble of applying to any other place for redress and will be gratefully rec^d and ever acknowledged by

Your respectfull friend,
W^m PENN.

P. S.—The Gentleman that brings this is my new Lieut^{nt} Governour, (well approved by ye Queen) who comes to wait upon you for your commands, wth a Gent lately arrived from that Province, I am &c.

MEMORIAL OF MINISTERS AND VESTRY OF CHRIST'S CHURCH,
IN 1702.

PHILADELPHIA, Pennsylvania, August 31.

MAY IT PLEASE YOUR LORDSHIP,

We, the Ministers and Vestry of Christ Church, Philadelphia, humbly crave leave to lay before your Lo^p our deepest Concern and Sorrow for the ungrateful Opposition our very worthy Patron, his Excellency of Virginia, has unhappily met with from Mr. Blair and his factious accomplices. We cannot but with a Christian Indignation consider that so good a Nursing Father of our holy mother, so unparalleled and munificent a Promoter of it should be ungratefully traduced by the more immediate sons of it, and that by all the Acc^{ts}. and Informations we can have of that unhappy Division, very groundles and causeles, but known p^{ticularly} to some of us to be monstrous deformed Brood of malice, and the wicked suggestion of our grand common Enemy, whose Province it is to sow Discord, and to establish if possible his own heterogeneous Tyranny upon the Ruin of our Saviors kingdon. We humbly desire that we may not be thought by yo^r Lo^p as fond of intermeddling in a cause not so proply our own; but being obliged to it by all the Tyes, both of Charity and gratitude, as well to do his Excellency Justice as to undeceive yo^r Lo^p. We are bold to assure yo^r Lo^p that all those Calumnies and wicked machinations made use of to defame his Excellency are only the Malicious Devices of a few factious, discontented Instruments, who, to satisfy their own revengeful Contrivances would, if possible, shake ye firmest and strongest Column of our American Church; and that it is a malicious Contrivance we shall humbly beg Leave to instance to your Lo^p. in one only Particular, his Excellency having according to his well signalized Loyalty, sumoned the Country together to solemnize her Ma^{ty}s most happy Accession to the Throne, at which Mr. Blair delivered an Oration, taking occasion to

* Probably John Evans, who arrived in Phila. 2d Jany. 1703-4, if so, the date is about Nov. 1703. See Colon. Rec. Vol. ii. p. 416.

See Smith's Laws, Vol. ii. p. 111. ●

expatiate largely upon his late Ma^{ty}s virtue, of glorious Memory, in the Conclusion makes his Excellency the Reverse of all that he had said before, tho' not by Name, yet by such evident Insinuations before ye Face of the whole Country (met together on that solemn occasion to congratulate her Sacred Ma^{ty}s accession to the Crown, and not to be laden with prejudices & Animositities ag^t their Governor,) that the meanest Capacity might apprehend & fathom ye Contrivance. By this single Instance of Inhumanity & Ingratitude yo^r Lo^p may see thro' the whole series of suggestions undeservedly insinuated ag^t his Excellency, w^{ch} were they in any measure probable, yet Clergymen, especially Mr. Blair, after so many signal Favours shown him by his Excellency, had Reason silently to pass over, rather than maliciously to traduce and oppose his so considerable a Benefactor, who leaves Monuments of his matchless Charity & Instances of his Benefactions wherever he goes; who has largely diffused his Munificence to Churches now erecting at Burlington, Chester, Newcastle, Appoquinick, St. Jones, &c., as will appear to your Lo^p by the Addresses of ye respective Inhabitants.

But this is not our own Sentiment, but a Justice due to our worthy Patron, from our Sister Churches of York, and Boston, who think themselves obliged to transmit to your Lo^p. a joynt Representation for yo^r Lo^{ps}. greater satisfaction.

Once more we are humbly bold to acquaint & repeat to yo^r Lo^p. our sincerest assurances of his Excellency's unblameableness & Innocency, and are & always shall be ready, with our Sister Churches, founded & now founding through his Excellency's great Patronage & unlimited Bounty to Echo out his Goodness & Liberality, and to pray for his Excellency's long Continuance among us, for ye Patronage of our Infant Churches and the Propagation of Christianity in these remote Corners of the World.

May God, of his infinite mercy & Goodness, afford us a long Continuance of your Lo^{ps}. Fatherly Care over us, and reward you for all y^r pious Labour, wth all possible happiness here, and imortal Glory hereafter.

Endorsed.—"The Ministers and Vestry of X^t. Church, Philadel. phia, on behalf of his Excellency Gov^r. Nicholson."

NOTE.—There is neither signature nor date to the foregoing paper, and as the minutes of Christ Church, for that period, were destroyed, the year can only be ascertained from the facts contained in the memorial itself and other historical data—"His Excellency of Virg'a "was Sir Francis Nicholson, Governor from 1698 to 1703, and the Rev'd Gent'n complained of was Rev'd James Blair—the former "was a great contributor to the building of Episcopal Churches in divers parts of our country" as alluded to in the paper itself—and the latter was "the Rev'd James Blair, Commissary of the Bishop of London over the Episcopal Clergy of Virg'a. and founder of Wm. & Mary College,"—between whom there were "great quarrels" and "many complaints" were "made to the authorities in Eng'd. from both parties, criminating and abusing each other." Nicholson obtained memorials from the Clergy in several places out of Virg'a. as well as in, to use in his quarrels

BOARD OF TRADE TO GOV'R. ON AFRICAN TRADE, 1708.

WHITEHAL, April the 15th, 1708.S^R.

Sometime since, the Queen was pleased to Refer to Us a Petition relating to the Trade to Africa, upon which We heard what the Royal African Company and the Separate Traders had to offer, and having otherwise informed ourselves in the best manner we could of the Present State of that Trade, We laid the same before Her Majesty. The Consideration of that Trade came afterwards into the House of Commons, and a Copy of Our Report was laid before the House, but the Session being then too far Spent to enter upon a Matter of so great weight, and other Business intervening, no progress was made therein; however, it being absolutely necessary, that a Trade so beneficial to the Kingdom should be carried on to the greatest advantage, there is no doubt but the Consideration thereof, will come early before the Parliament at their next meeting; and as the well supplying of the Plantations and Colonies, with sufficient numbers of Negroes at reasonable Prices is, in our opinion, the Chief point to be consider'd in regard to That Trade, and, as hitherto we have not been able to know how they have been supplied by the Company or by Separate Traders, otherwise than according to the respective accounts given by them, which for the most part are found'd upon Calculations made from their Exports, on one side and the other, and do differ so very much, that no certain Judgment can be made upon

with Blair," as "York & Boston" &c.—of which this memorial was no doubt one. "On the death of King William, Blair delivered a funeral oration in the hall of Wm. & Mary College, before Nicholson, the Council, the Assembly and the Clergy of Virg'a. In this were passages which reflected (as Nicholson said) upon King James 2d, and upon Nicholson himself. He asked for a copy and Blair refused it, but told him he would send a copy to the Arch Bishop of Canterbury and B'p of London, which he did. Nicholson, under date of July 22, 1702, informs the arch B'p of the facts stated above and asks for a copy of the oration. This letter is in possession of the Rev'd Dr. F. L. Hawks, of N. Y.,* to whom I am indebted for these facts, & who thinks that the event occurred in 1702. "The memorial was doubtless obtained from the Penn'a Clergy to help out his complaint against Blair," "whose character was a good one." I am inclined to believe he said nothing justly exceptionable; but Nicholson, who was often very violent and disliked Blair, who was one of the Council, and watched the Gov'r closely, seized the occasion to make trouble for Blair, and as Nicholson was a great benefactor to the Episcopal Clergy, and had lived in, or travelled over most of the Colonies, he had not much trouble in getting up memorials from them against Blair."

The death of King Wm. occurred March 8, 1702, when Queen Anne ascended the throne—certain news of both events reached Council July 5, 1702, and proclamation was then ordered to be made, (see Col. Records Vol. II. p. 68) As the memorial is dated Aug. 31, there was time sufficient for the oration to be delivered in Virg'a and memorials in the several places to be signed—as the oration was delivered prior to July 22, 1702 (date of Nicholson's letter.)

* And author of "Contributions to the Hist'y of the Episcopal Church in the U. S."

those accounts. Wherefore, that we may be able at the next meeting of the Parliament, to lay before both Houses when required, an Exact and Authentick State of that Trade, particularly, in regard to the severall Plantations and Colonies, We do hereby desire and Strictly require you, that upon the receipt hereof, you do inform yourself from the proper Officers, or otherwise, in the best manner you can, what Numbers of Negroes have been yearly imported directly from Africa into Pennsylvania, since the 24th of June, 1698, to the 25th Decem^r: 1707, and at what Rate £ head they have been sold each Year one with another, distinguishing the Numbers that have been imported on account of the Royal African Company, and those w^{ch} have been imported by Separate Traders, as Likewise, the Rates at which such Negroes have been sold by the Company and by Separate Traders. We must recommend it to your Care, to be as Exact and Diligent herein, as possibly you can, and with the first Opportunity, to transmit to Us such Accounts as aforesaid, that they may arrive here in due time; as also Duplicates by the first Conveyance.

And, that We may be the better able to make a true Judgment of the present Settlement of that Trade, We must further recomend it to you, to confer with some of the principal Planters and Inhabitants within your Government touching that matter, and to let Us know, how the Negroe Trade was Carried on, and the Province of Pennsylvania supplied wth Negroes till the Year 1698, when that Trade was laid open by Act of Parliament, how it has been carried on and Negroes supplied since that time, or in what manner they think the said Trade may best be managed for the benefit of the Plantations?

We further desire you will inform Us, what Number of Ships, if any, are employ'd from Pennsylvania to the Coast of Africa in the Negro Trade, and how many Separate Traders are concerned therein?

Lastly, Whatever Accounts you shall from time to time send Us touching these Matters of the Negroe Trade; We desire that the same may be distinct and not intermix'd with other Matters: And, that for the time to Come, you do transmit to Us the like half Yearly Accounts of Negroes, by whom imported, and at what Rates sold, the first of such Subsequent Accounts to begin from Christmas 1707, to which time those now demanded are to be given. So We bid you heartily Farewell.

Your very Loving Friends,

STAMFORD,
HERBERT,
PH. MEADOWS,
J. PULTNEY.

P. S.—We expect the best Account you can give Us, with that Expedition, which the Shortness of the time Requires.

W^m POPPLE, Jun^r.

PRIVY COUNCIL TO GOV'R ON CERTAIN LAWS, 1709.

At the Court at Windsor, the 24th of October 1709.

PRESENT—

The Queens most Excellent Majesty in Council.

A Representation from the Lords Commiss^{rs} of Trade and Plantations, Dated the 8th of September last, upon Divers Laws transmitted from Pennsylvania having been this Day read at the Board, Her Majesty in Council approving thereof, and having thereupon Declared Her Disallowance of the several Acts therein proposed to be Repealed; Her Majesty is further Pleased to Order, that it be recommended to Mr Penn, Proprietary of Her Majesty's Province of Pennsylvania, by the Lords Commiss^{rs} of Trade and Plantations, to Cause all Such Laws as Shall hereafter be past in the Assembly of that Province, to be transmitted and presented for Her Majesty's Approbation or Disallowance in Council as soon as Conveniently may be after the Same Shall have been past there; And to Endeavour to get a Law past in the Assembly there for Renouncing the Pretender, and Declaring the Allegiance of the Inhabitants to Her Majesty: as also that Notice be given to Mr Penn or his Agent, by the Said Lords Commiss^{rs} that in Case the Assembly of Pennsylvania Shall think fit to Re-Enact the Law now Disallowed by Her Majesty, Entitled, An Act for the further Securing the Administration of the Governm^t of this Province, with a Proviso, that upon the Death or Absence of the Lieut^h Gov^r the Proprietary Do Nominate an other, and obtain Her Majesty's Approbation within Six months after Such Death or Absence, Her Majesty will be Graciously Inclined to approve of the said Act. And Her Majesty taking Notice upon this Occasion, that Divers Acts transmitted from the Plantations, have been Disallowed by Her Majesty by Reason of some Clause or Clauses therein which have not been thought fit for Her Majesty's Approbation, And the other parts of the Said Acts have appeared good and profitable for the welfare of Her Majesty's Subjects there; Her Majesty is Pleased to Order, that where any Such Acts Shall be Disallowed by Her Majesty on the Representation from the Lords Commiss^{rs} of Trade and Plantations, Notice be given to the respective Governm^{ts} or their Agents by the said Lords Commiss^{rs} of the Reasons for Repealing the said Acts, to the End that upon Re-Enacting the same, the Assembly may form them accordingly.

JOHN POVEY.

A true Copy—

W^m POPPLE.*

* Referred to in Col. Rec. Vol. II. p. 532.

REASONS FOR REPEAL OF LAWS, 1709.

REASONS FOR REPEALING SEVERAL PENNSYLVANIA LAWS.

An Act against Riotous Sports, Plays and Games.

Her Majesty was pleased by her Order in Council of the 7th of February, 1705, for the Reasons then laid before Her, to repeal several Laws of Pennsylvania, among which was one with the same Title and Contents with this before mentioned, which is lyable to the same Objection as the former, viz., That it restrains her Ma^{ty's} Subjects from Innocent Sports and Diversions; However, if the Assembly of Pennsylvania shall pass an Act for preventing of Riotous Sports, and for restraining such as are contrary to the Laws of this Kingdom, there will be no Objection thereunto, so it contain nothing else.

An Act limiting the Presentment of the Grand Jury,

Is lyable to the same Objection as one repealed at the same time as the foregoing; For by this Law all Indictments for Trespass are taken off where there is remedy for the Party injured, before the Justices, which is unreasonable, For that in many cases there may be prosecutions for ye Crown, as well as at ye Suit of ye Party for his damages.

An Act for the further Securing the administration of the Government of this Province,

Which Enacts that upon the Death or Absence of the Lieutenant Governor, (and in the absence of the Governor in Chief,) the President, with five members of the Council, may take upon them the Government of that Province, with as full Power and Authority as any Lieutenant Governor; by which means her Ma^{ty's} Approbation of a Lieu^t Gov^r may be eluded, at least, so long as the Proprietor shall think fit to continue the Government in the Hands of the President and Council.

An Act for the Acknowledging and Recording of Deeds.

By a Clause in this Act, it is provided that no woman shall recover her Dower or Thirds of any Lands or Tenements, which have been sold, alien'd, or conveyed by her husband, during her Coverture, altho' she be no Party to the Deed, nor any ways consenting to the Sale or assurance of such Lands or Tenements; which is unreasonable and repugnant to the Laws of this Kingdom.

An Act directing ye Qualifications of Magistrates and Officers, as also the manner of giving Evidence.

The Objections to this Law are, That it allows a Deposition in Writing of a person sick or going out of that Province to be good Evidence, which sort of Evidence being seldom allowed in Her Ma^{ty's} Courts of Justice within this Kingdom, even in Civil Matters, nor even then without observing a much more solemn and safe method for allowing the same, than what is layd down and directed

by this Act; Such Paper Evidence having, with great Reason, always been disallowed in Criminal Proceedings, because of the known benefit of cross-examining a Witness. Besides, as this Act is drawn, any person that is willing to take an Oath in a Court of Judicature, is not allowed to do it, if there be only Quakers upon the Bench; And if there be others, not Quakers, on the Bench, then the Law declares the administring of an Oath to be the Act of ye person so administring and not of the Court.

An Act for ye better proportioning ye Rates of money in payments made upon Contracts according to ye former Regulation.

An Act of Parliament having been passed here in the 6th year of her Majesty's Reign, Intituled, *An Act for ascertaining the Rates of Foreign Coins in Her Ma'ty's Plantations in America*, there is no need of such an Act in Pennsylvania.*

WM. POPPLE.

PRIVY COUNCIL ON LAWS, 1709.

At the Court at Windsor the 24th of October, 1709.

[L. S.]

PRESENT.

The Queen's Most Excell^t Ma^y,

Lord Treasurer,
Lord President,
Lord Steward,
Duke of Somerset,
Duke of Bolton,

Lord Chamberlain,
Marq^s of Dorchester,
Earl of Sunderland,
Mr Sec^{ry} Boyle,
Mr. Chan^{cr} of the Excheq^r.

Whereas by Letters Patent under the Great Seal of England, William Pen, Esqr, Proprietary of the Province of Pensilvania, in America, is Impowered, with the Advice of the Freemen of that Province or their Deputys in Gen^l Assembly, to Enact Laws for the good Government of the said Province, Which Laws are to be Transmitted to Her Ma^y for Her Royall Approbation or Disallowance of them, And Whereas, in pursuance of the Said Powers the following Acts, past in the Said Province of Pensilvania in 1705, have been Transmitted for Her Ma^y's Approbation, Intituled:

An Act against Riotous Sports, Plays and Games.

An Act limiting the Presentments of the Grand Jury.

An Act for the further Securing the Administration of the Government of this Province.

An Act for the Acknowledging and Recording of Deeds.

An Act directing the Qualifications of Magistrates and Officers, as also the Manner of giving Evidence.

An Act for the better Proportioning the Rates of Money in Payments made upon Contracts according to former Regulation.

* Referred to, Col. Rec., Vol. II. p. 532.

Which said Laws having been perused and duly Consider'd by the Lords Comm^{rs} of Trade and Plantations, with their humble Opinion, that the Said Acts be Repealed. Her Majesty taking the same into Consideration, is Graciously pleased with the Advice of Her Privy Councill to Declare Her Disallowance and Disapprobation of the said Acts, and pursuant to Her Ma^{ty}s Royall Pleasure thereupon, the same are hereby Repealed, Annulled and made Voyd and of none Effect, to all intents and purposes whatsoever.*

JOHN POVEY.

ATTORNEY GENL. ON LAWS, 1713.

MY LORDS,

In Humble obedience to your Lo'pps Commands signified to me by Mr. Popple by his Letter Dated ye 3d of Augst last, I have considered of ye seal^d Pensilvania Laws then transmitted to me & herewith sent back to your Lo'ps.

And as to ye Act Entitled an Act for ascertaining ye Rates of Money for payments of Debts & preventing Exactions in Contracts and Bargains made before the first of May 1709 and past in Pensilvania October 14th 1708.

I cant but take notice of a Clause therein, whereby tis Enacted that the prices of all Goods, Wares and Merchandises, whatsoever shall after the first of May, 1709, shall be computed at $\frac{4}{3}$ ^{ts} of the sum and no more which the Seller would have taken for them if no change had been made in the currency of their coins by her Majesties Proclamation of the 18th June, 1704, and the British Act of 6th of her present Maj^{ties}, Entitled an Act for the ascertaining the Rates of Foreign Coin in her Majesties Plantations, which Clause may not only be the foundation of Many disputes, but may possibly render her Maj^{ties} Proclamation and the British Acts w^{ch} were intended to make the Foreign Coins goe at ye same rate in all her Maj^{ties} plantations because by lowering the price of Goods $\frac{4}{3}$ ^{ls} in consequence in respect to the other plantations the Coin thus will be raised to the old vallue and therefore whether this is a sufficient reason for repealing this Act I appeal to your Lordships.

As to the Act for Establishing Courts of Judicature pass'd in Febr'y, 1710.†

I conceive there are severall things not proper to be established as Law & I can't see any Occasion for Erecting such a Supreme Court of Judicature as therein is mentioned, since Justice as to all the particulars mentioned in this Act in Courts which this Act calls inferiour Courts and those are still to continue only this Court to be Erected is to draw from them what business they think proper by Certiorari,

* Referred to in Col. Rec., Vol. II. p. 532.

† See Col. Recd. Vol. II, p. 545-547.

writts of Error, Hab. Corpus &c., which will only Multiply Suits or make proceedings at Law more dilatory and Expensive.

The Justices of peace have power given them to make persons find Sureties for threatening any persons in body or Estate & yet tis not required the Charge should be on Oath or affirmation which leaves a very arbitrary power in ye Justice. In that part of ye Act which Enacts several Laws of Great Brittain to be observed there, tis Enacted that the Act of ye 8th and 9th of W 3d for preventing frivolous and vexatious Suits shall be put in Execution in Pensilvania, as far as circumstances admitt. What is meant thereby I can't apprehend But it seems very improper to say an Act shall be observed as farr as circumstances will admitt. In relation to the proceedings in Equity there is a Clause that they shall Determine nothing Determinable at Common Law nor try any fact arising on hearing the Cause but send it to an Issue at Law, which I apprehend must make proceedings in Equity insufferably dilatory & Multiply Tryalls at Law in the plaine Cases to no manner of purpose for which reason I am humbly of opinion that this Act ought to be repealed.

As for the Act for the Regulating and Establishing fees.

I should have no objection ag^t it did it not as well establish the fees of Officers of the Supreme Court & Sessions of the peace & Court of Equity, Erected by ye Act for Establishing Courts of Judicature as fees of other Officers and therefore if your Lo^{pps} should be of opinion to advise her Maj^{ty} to repeal that Act 'twould look odd in this to have the fees of a great number of Officers mentioned to be Established whereas there will be no such Officers, if that Act is repealed.

As to ye Act Entitled an Act for Acknowledging and Recording of Deeds.

There is a Clause therein whereby it is Enacted that every Deed or conveyance (other than Leases for 21 years or under) heretofore made for any Lands, Tenements or hereditam^{ts} in this prov. not yet acknowledged or proved nor Recorded, which shall within five years after ye 25th of March 1711 be acknowledged or proved and Recorded as therein is mentioned and all such Deeds &c., as had been at any time since ye 12th of Janry 1705, acknowledged or proved and Recorded as that Act directs, should take effect from the time of Signing and Sealing & be good and available in Law, by which tis Implied that without the aid of this Act such Deeds are not good, and then this Act will make them good by a retrospect which may prejudice Innocent purchasers and Creditors.

As to ye Act directing an affirmation to such who for Conscience sake cant take an Oath,

I find that ye 4th of December 1711 the then Lords Com^{rs} of Trade made a Representation to her Majesty to disallow an Act of this nature, possibly this very Act, because the affirmation therein differed materially from the affirmation Enjoyn'd, the Quakers by Act of parliament here, and particularly in that the name of Almighty

God was not mentioned, and, because a Quaker might give evidence in Criminal matters on his affirmation, which objections hold against this Act now transmitted, and taking such affirmation is likewise to Qualifye any Magistrate.

As to the Act of Priviledges to a free man.

Such an Act formerly passed was Repealed because it interferr^d with an Act of ye 7th & 8th of W 3d Intituled an Act for p^eventing frauds & Regulatig abuses in ye plantation Trade, and tho' this Act has added a saving to admiralty Courts, yet, I am apprehensive it still may interferr with that Act, besides, I can't well see what occasion there is for this Act, since by ye Laws already in being, the freemen are already entituled to all ye priviledges therein.

As to the Act ag^t Riotous Sports, Plays & Games.

It restrains persons from several innocent Sports & healthy diversions and the penalties in it are to great, & therefore I humbly conceive it ought to be repealed.

As to the Act for priority of paym^t of Debts to ye Inhabit^s of this Prov,

I apprehend among Traders in point of Reason, all persons who give Credit to & make Contracts with others should stand on ye same foot as to the point of Recovery of their debts, and I conceive that such a preference of Creditors as is given by this Act may prejudice all the subjects of Great Brittain who deal with the Inhabitants of Pensilvania & therefore that this ought to be repealed.

As for the Act for regulating party Walls & Buildings in Philad^a.

It gives to the Mayor & Court of Aldermen of Philad^a a power to Determine differences ab^t party Walls & Buildings & to give Damages, after which the party may sue for those damages in any Court of Record, and judgm^t there given shall be definitive, on which I observe that the giving a New Suit for the Damages, after the Mayor and aldermen have awarded the Same, seems a Round ab^t way, & only multiplying Suits, in the next place if a new Suit is to be allowed then there ought to be allowed an appeal to her Majesty which is disallowed by this Act.

As to ye Act for Laying a Duty on Negros, Wine, Rum, and other Spirits, Cyder and Vessels.

Tho' this Act will expire the 10th of March 1713, yet I submit to your Lo^{pp}^s Considerations how far it may be proper for them at Pensilvania to lay a Duty on Negros, Wine, Rum and Shipping, &c., and how far it may affect her Majesties Subjects here of which your L^{pp}^s are most proper judges.

An Act Confirming Patents and Grants.

This Act Confirms Lands Granted by old Grants before Wm. Penn had the Government, and new Grants since and not duly Seated and improved by the Grantees before 1682, and, yet, for anything appearing to me who have not the former Acts, such old Grants may

and if so, then if Penn has Granted these Lands since his last Grant is hereby Confirmed by this Act and the old Grant avoided.

The Provisoe wherein 'tis said the Prop^r shall not be thereby obliged to make good to any p^rchaser a Right to unlocated Lands who thro' inadvertency or by misinformation did or may obtain a patent or confirmation of Lands, which are discovered to be ye prior Right of another person further or any more than the same quantity of Lands in ye next advantageous place that such purchaser shall choose and discover to be vacant and free from all other Claims seems unreasonable because if no such Land can be found the purchaser is to have no satisfaction for his p^rchase.

As to the Act for the better Govern^t of the City of Philada.

This Act inflicts 5s. penalty on persons riding a gallop & 10s. for persons trotting, with Drays or their Teams in the streets, & 5th for suffering a Dog or a Bitch going at lirage; or firing a Gun without Lycence, or if a Negro be found in any disorderly practices or other Misbehaviours may be whipt 21 lashes for any one offence or comitted to prison, which words "other misbehaviours," are very uncertain and give very arbitrary power where the punishm^t is great.

As to ye Act for Impowring Religious Societies to Buy hold and Enjoy Lands Tenements and Hereditaments.

There is a Clause in it w^{ch} confirms all Sales, Gifts, or Grants to them already made, which having a retrospect may be very p^ejudicial to purchasers, Creditors & other persons, and therefor I apprehend it fitt to be repealed.

A Supplementary Act to a Law ab^t ye manner of Giving Evidence.

This is Lyable to ye same objection as the Act directing an affirmation to such who for Conscience sake cant take an oath.

An Act to prevent the Importation of Negros & Indians into this Province

How far this Act may interfere with the Brittish Interest as to their Trading in Negros, your Lopp's are most proper Judges; But I observe this Act gives a power to break open houses to search upon suspicion of Negros being there Generally, which Extends to Night as well as day, which power is rarely admitted by our Law in offences of an inferior nature.

A Supplementary Act to an Act, Entitled an Impost Act laying a Duty on Negros, Rum, Wine, Spirits, Cyder, & Vessels and appropriating certain Sums of Money arising by the same & other Publick Stock of this Province.

This Act depends on ye Impost Act & ought to have ye same Determination concerning it.

As to these following Acts I have no objection.

An Act for the better Enabling of Divers Inhabitants of the Province of Pensilvania, to hold and Enjoy Lands, tenements, & plantations in ye Same Province, pass'd the 29 of 7^{ber} 1709.

[1710] An Act that no Publicke house or Inne within this Province be kept without Licence.

An Act to p^event disputes which may hereafter arise ab^t ye date of Conveyances and other Instrum^{ts} & Writings.

An Act for Improving a Good Correspondence with the Indians Expires ye 28th of febr^y 1713.

An Act Impowring Com^{rs} to Compell the Collecting of all Arrearages of former Taxes, Expired.

An Act for raising a Supply of 2d [⁊] 8 & Eight Shillings [⁊] head. Expired.

[1711] For raising 2000£ for the Queen's use by a Tax of 5½d & £20 per head.

[1712] An Act for ye better ascertaining the Publick Debts & Collecting the arrears of County Levyes.

An Act for raising money on ye Inhabitants of the City of Phila. for the Publick use and benefitt thereof.

An Act concerning the register Generals office.

An Act for Establishing the Lower ferry on the River Schuilkill.

An Act for Establishing and Regulating ferryes over Delaware River & Neshaminy Creek.

An Act for the further Securing the Administration of the Government.

An Act of this nature was repealed before upon a Representation of the then Lords Com^{rs} of Trade Dated ye 8th of 7^{ber} 1709, That the Gov^r might Elude the Queens power of approving a Lieuten^t Gov^r as long as the Prop^r should think fitt to continue the Government in the hand of the President and Council which mischief seems to be Remedied because the power vested in the President and Council by virtue of the proviso^e in this Act continues but six months, which is the time appointed for the Gov^r to nominate a Lieuten^t Gov^r and from thence till ye Queens pleasure is known.

All which is most humbly Submitted to your Lo^{pp}s great justice.

ROB^t. RAYMOND.

Dec^r ye 22d 1713.*

QUEEN & COUNCIL ON LAWS, 1714.

At the Court at St. James's, the 20th of February 1713.

[L. S.] PRESENT:

The Queen's most Excell^t Mat^y in Councill.

Upon reading this day at the Board a Representation from tne Lord's Comm^t for Trade and Plantations, setting forth, That having rece'd from William Penn Esq^r Proprietary of Her Mat^s Province of Pensilvania a Collection of Laws under the Seale of that Province passed there in the years 1708, 1709, 1710, 1711, & 1712. And having considered the same, and rec'd the opinion of her Majes-

* See Col. Rec. Vol. II. p. 597-600.

ty's Sollicitor Generall, thereupon in point of Law, Who has made objections agst the Confirming severall of them hereunder named as unfitt for Her Ma^{ty} Royall aprobaton, wherein also the said Lord's Com^{rs} do Concurr with him, and humbly offer that Her Mat^{ty} will be pleased to signifye her Disallowance of the Same, Viz.

An Act for Ascertainning the Rates of Money for payments of Debts, and preventing Exactions in contracts & Bargains made before the 1st of May 1709, & passed in Pensilvania Oct^r 14th 1708.

An Act for Establishing Courts of Judicature passed in Feb^{ry} 1710.

An Act for Regulating & Establishing Fees.

An Act for Acknowledging and Recording of Deeds.

An Act Directing an Affirmation to such Who Cannot for Conscience Sake take an Oath.

An Act of Priviledges to a Freeman.

An Act against Riotous Sports, Plays, & Games.

An Act for priority of payments of Debts to the Inhabitants of this Province.

An Act for regulating party Walls and Buildings in Philadelphia.

An Act for laying a Duty on Negros, Wines, Rum, & other Spirits, Cyder & Vessels.

An Act for Confirming Patents and Grants.

An Act for better Government of the City of Philadelphia.

An Act for Empowering Religious Society's to buy hold & Enjoy Lands, Tenements, & Hereditaments.

A Supplementary Act to a Law about the manner of giving Evidence.

An Act to prevent the Importation of Negroes & Indians into this Province.

A Supplementary Act, to an Act, Entitled an Impost Act laying a Duty on Negroes, Rum, Wine, Spirits, Cyder & Vessells, and Appropriating certain sums of Money arising by the same, and other Publick Stock of this Province.

Her Majesty taking the same into Consideration is pleased with the Advice of Her Privy Council, pursuant to the Powers reserved to Her Majesty by the Letters Patents, under the Great Seale of England to the said William Penn, to Declare Her Disallowance and disaprobation of the said Sev^l Laws, and According to her Mat^{ty} Pleasure thereupon, the Same are hereby repealed and Declared void and of none effect. And it is further Ordered by Her Mat^{ty} That the Dep^{ty} Gov^r Council and Assembly of Pensilvania, be & they are hereby Strictly Enjoyned & required not to permit the said Laws or any part of them to be from henceforward put in Execution, but that they forthwith Declare the same to be Null & Void to all intents and purposes as they will answer to the Contrary.*

JOHN POVEY.

* See Col. Rec. vol. II. p. 597-600.

PRIVY COUNCIL ON LAWS, 1713-14.

At the Court at St. James's, the 20th of Feb^y, 1713.

[L. S.] PRESENT :

The Queen's Most Excell^t Mat_v.

Lord Chancellor,	Earl of Marr,
Lord Treasur,	Earl of Orkney,
Lord President,	Earl of Islay,
Lord Privy Seale,	Earl Ferrerr,
Duke of Beaufort,	Earl of portmore,
Duke of Argyle,	Lord Visc ^t Bolingbroke,
Duke of Athott,	Lord North & Grey,
Lord Steward,	Lord Berkley,
Earl of Northampton,	Mr. Comptroller,
Earl of Clarendon,	Mr. Sec ^{ry} Bromley,
Earl of Anglesea,	Lord Ch. Jus. Parker,
Earl of Rochester,	Lord Ch. Jus. Trevor,
Earl of Abingdon,	Mr. Chancell ^r of Exchequer.

Sr Charles Hedges.

Upon reading this day at the Board a Representation from the Lords Comm^{rs} for Trade & plantations, Setting forth, That having received from William Penn, Esq^r, proprietary of Her Ma^{ty} Province of Pensilvania, a Collection of Laws, under the Seale of that province, passed therein in 1708, 1709, 1710, 1711 & 1712, and amongst others the Sev^l hereunder written, which they having perused and Considered, have no Objection against them, so that in Case Her Ma^{ty} doth not See Cause within Six Months from their being now delivered to her Privy Council to Repeale any of them, they will remain in full force pursuant to the Charter of propriety, Granted to the said Wm. Penn, viz^t:

An Act for the better Enabling of Divers Inhabit^{ts} of the province of Pensilvania to hold and Enjoy Lands, Tenements and Plantations in the Same Province, passed the 29th September, 1709.

An Act that no public House or Inn within the province be kept without Licence, passed 1710.

An Act to prevent disputes which may hereafter arise about the dates of Conveyances and other Instruments and Writings.

[Expires the 28th Feb^{ry}, 1713.] An Act for the better Improving
a Good Correspondence wth the Indians. Expires 28th Feb^{ry}, 1713.

[Expired.] An Act Impowering Comm^{rs} to Compell the Collect-
ing of all arrearages of former Taxes. Expired.

[Expired.] An Act for raising a Supply of two pence p. pound
& 8th p. Head.

An Act for raising £2,000 for the Queen's Use by a Tax of 5^d ½ p. pound & 20 Shill. p. head, passed Augst 10th, 1711.

ACTS PASSED 1712.

An Act for better ascertaining the public Debts and Collecting the arrears of County Levies.

An Act for raising Money on the Inhabitants of the City of Philadelphia for the public Use & Benefit thereof.

An Act concerning the Register Generall's Office.

An Act for Establishing the Lower Ferry on the River Skoolkill.

An Act for Establishing and Regulating of Ferrys over De la Warr River & Neshaminy Creek.

An Act for the further Security of the administraction of the Government.

Her Majesty takeing the Same into Consideration, is pleased with the Advice of Her privy Councill, pursuant to the powers reserved to Her Majesty by the Letters patents, under the Great Seale of England to the said William Penn, to declare Her Approbation of the Same: And according to Her Ma^{ty}s Royall pleasure thereupon Expressed, The said Laws are hereby Confirmed, finally Enacted and Ratified: Whereof the Deputy Gov^r, Councill and Assembly of the said province are to take Notice and to Cause them to be duly and effectually Observed and putt in Execution accordingly.*

EDWARD SOUTHWELL.

COMM^{rs} OF TRADE & PLANTAT^{ns} ON LAWS, 1714.

WHITEHALL, March 19th, 171³/₁₄.

Sir:

Mr. Penn having laid before her Majesty a Collection of some Laws of Pennsylvania, passed there in the Years 1708, 1709, 1710, 1711 and 1712, Her Ma^{ty} has been pleas'd by her Orders in Council of 20th Febr^y last, to repeal several of the said Laws and to confirm others; We send you here inclos'd Her Maty's said Orders, that you cause them to be published in your Government & observed there. And that you may be inform'd of the reasons for repealing the said Laws, We send you here inclos'd a Copy of Mr. Sol^r General's Report upon that matter, And are

Your very Loving Friends,

GUILFORD,
PHIL. MEADOWS.
ROB^t MONCKTON.
SAMUEL PYTTS.*

Cap. Gooking.

* See Col. Rec., Vol. II. p. 597—600.

† See p. 155.

LORDS OF TRADE ON PEACE WITH SPAIN, 1714.

WHITEHALL, April ye 6th, 1714.

Her Majesty having, by Her Royal Proclamation of the 28th of febr^y last, (which is here inclos'd,) been pleas'd to command that the Articles of Peace and Commerce concluded at Utrecht the $\frac{2}{13}$ Day of July and the $\frac{29}{9}$ day of ^{Novembr.} ~~Decembr.~~ 1713, between Great Britain & Spain, be publish'd & observ'd throughout all Her Dominions; We send you herewith Copies of the said Articles of Peace and Commerce, that the same may be made public in the Province of Pennsylvania under Your Government, and observ'd accordingly. So We bid you heartily farewell, and are

Your very Loving Friends^r

and humble Servants,

GUILFORD,

PHIL. MEADOWS,

ROB^t. MONCKTON.

JO. SHARP,

SAMUEL PYTTS,

THO. VERNON.

CHARLES GOOKING, Esq^r.

R. ASHETONS DRAUGHT OF LAW ON COURTS, 1714.

An Act for the Better Establishing the Small Courts of Judicature within this Province of Pensilvania.

Ffor the Better & More Orderly Establishm^t & Regulation of the Courts of Judicature within this Province, Be it Enacted by the Ho'ble Charles Gookin Esq^r by and with her Mat^{ties} Royal Approbation, Lieut Governour under the Ho'ble William Penn Esq^r Absolute Proprietor & Governour in Chief of this Province, by and with the Advice and Consent of the Freemen thereof in General Assembly met & by the Authority of the same, That there Shall be held & kept a Court of Record in Every County of this Province Quarterly, w^{ch} Court Shall be Stiled The General Quarter Sessions of the Peace Oyer & Terminer & Goal Delivery, and Shall be held by Justices to be Commissioned by the Gov^r or his Lieut^r for the time being, any two whereof Shall be a Quorum and Shall have power to award, pass, bind to the peace & Good behaviour, Enquire into hear & determine all Offences w^{soever} except Treason Murder & Ffelonies of Death, w^{ch} s^d Court Shall be held at Philadelphia for the County of Philadelphia the Ffirst Tuesday in the Monthes of March June September and December, At Chester for the County of Chester the And at Bristoll for the County of Bucks the

And be it Ffarther Enacted by Authority afores^d that there Shall be a Court of Record w^{ch} Shall be Stiled The Court of Comon Pl^{as} & Shall be kept in every the s^d Counties And that the Justices of the same Court or any two of them shall have Cognizance hold plea of

* See Col. Rec. Vol. II. p. 597.

hear and determine all Accions Suites & Causes, Civil p'sonal Real & Mixt, according to the Rules of the Comon Law & as near as Conveniently May be to the Court and practice of the Queen's Courts at Westminster, And that all Writs and process shall Issue out of the Office of the Clerk or Prothonotary of the respective Courts Vnder the respective County Seals, into Whose Office all Returns Shall be Made Which Court Shall begin & be held for the Counties of Chester & Bucks at the same day and place the General Quarter Sessions of the peace Oyer & Terminer & Goal Delivery are held. And because the Business of the s^d Court in the County of Philadelphia by reason of the Great Trade & Commerce there will require a More Speedy determination than Causes arising in the two other Counties, Be it Enacted by the Authority afores^d that the s^d Court for the County of Philadelphia Shall be held Six times in Every Year, that is to say the Second Tuesday in the Monthes of May July September November January & March, And that the Justices May Adjourn de Die in Diem Vntill the Business of the s^d Courts Shall be End'd.

EQUITY.

And Be it Ffarther Enacted by the Authority afores^d that there Shall be a Court of Equity held for every the s^d Counties at the places afores^d to Consist of Two or More Comissioners who may hear determine & Decree all Matters & Causes of Equity where the proceedings Shall be by Bill & Answer with Such other proceedings as are Vsual & Necessary in Courts of Chancery or Equity, who Shall have power to make Rules & Orders and to Issue forth all Manner of Subpenas Attachm^{ts} Injunctions Dedimus's Comissions and all other p^{ro}cess whatsoever to oblige D^{ef}ts to Answer, or to fforce obedience to their, Decrees w^{ch} s^d Court Shall be always open & the Comissioners to Sit as business may require, And the Clerk or Prothonotary of the other Courts Shall be Register of the s^d Court.

SUPREME COURT.

And be it ffarther Enacted by the Authority afores^d that there Shall be held & kept a Court of Record twice in every year, at the City of Philadelphia for the s^d province viz^t the Tenth day of April & the ffour & Twentieth day of September vnless those days Shall happen on a Sunday & then the day following, Which Court Shall be Stiled the Sup^{re}am Court of Pensilvania And Shall Consist of a Chief Justice & two other Judges, any one of which Shall have power to hear & Determine all pleas plaints & Causes removed or brought there ffrom the General Quarter Sessions of the peace Oyer & Terminer & Goal Delivery or Court of Comon Pleas or from the Sessions or Court of Record held for the City of Philadelphia, by Writs of Habeas Corpus Certiorari Writs of Error or any other Remedial Writ or Writs, And may Sit do & proceed in the premises as fully and Amply as the Justices of the Court of Queen's Bench Comon Pleas & Exchequer at West^r can or may do, w^{ch} s^d Writts Shall be Granted of Course & Shall Issue forth of the Office of the

Clerk or Prothonotary of the s^d Court And Shall be Made in The Name and Stile of the Queen her heires & Successors, and bear Test in the Name of the Chief Justice of the s^d Court and Shall be Sealed with the lesser Seal of the s^d Province.

FFELONIES OF DEATH.

And be it Ffarther Enacted by the Authority afores^d that for the more Speedy determination of High & Capital Offences when the life of any p^{son} may or Shall be brought in Question, Special sessions of Oyer & Terminer & Goal Delivery Shall Issue, when & as often as occasion may require.

SPECIAL COURTS.

And be it Ffarther Enacted that if any p^{son} or p^{sons} being plaintiff or plaintiffs Defend^t or Defend^{ts} in any Suite or Accion, Shall by reason of their Speedy departure out of this province require a More Speedy Determination in the premises than can be had in the s^d Court of Comon Pleas, that Upon Application to the Justices of the s^d Court of Comon Pleas they may Grant Such plaintiffs or d^{ts} Special Courts and may p^{ceed} to hear & Determine the premises (such pl^{ts} or def^{ts} having first Entered into Recognizance to stand to & abide their Judgm^t) according to the Course & Practice of the s^d Court of Comon Pleas.

JUSTICES POWER TO MAKE RULES.

And be it Ffarther Enacted by the Authority afores^d That for the better Executing the powers & Jurisdictions hereby Erected & Intended, It Shall & May be Lawfull for the Judges Justices & Com^{rs} of the s^d Respective Courts to Make and publish all & every Such reasonable rules & orders as may be fit & Necessary to regulate the Officers & practicers in the s^d Courts & better Ascertaining the practice & proceedings of the same.

SUBPŒNAS INTO OTHER COUNTIES.

And be it Ffarther Enacted That Subp^{as} for Witnesses may be Awarded Vnder any of the respective County Seales into any other of the s^d Counties, And if Such Witnesses dont appear & give their evidence they Shall be lyable and Subject to the Same pains & penalties as Witnesses residing in the County where the Cause is Cognizable & depending are subject to.

Indorsed—"Robert Ashton—a short bill of Court Process.*"

PETITION OF J. ANTROBUS TO ASSEMBLY, 1716-17.

To ye Hon^{ble} the Representatives of Pensilva in Assembly meet :

The Humble Petition of JOS: ANTROBUS
SHEWETH :

WHEREAS, it hath pleas'd ye Governour, by ye advice of the Mayor & Recorder of this City, under ye seal of this Province, to grant your Petitioner his Comission for Vendue Master ; therein requireing to Vend what by any shall be desired ; your Petitioner, in executing said office, Labours under great illconveniencies & loss for want of some Clause, as in some Neighbouring Acts, to enable him,

*See Col. Rec. vol. II p. 597 598.

to enforce some people, Purchasers therein, to Comply wth ye Condition of Sales; some after having Purchased, either for want of money, or other Consideration, leaving ye Purchas'd on ye hands of your Petitioner, w^{ch} he, nevertheless, is accountable to his owners for, on Demand; at same time phaps, as often has been, ye Purchaser wholly declining the Bargain; neither can he, as has been well-inform'd, compell them to pay, without delivering the goods first, w^{ch} now they may Choose to receive, & if so, phaps, must Commence a Suit; w^{ch} the dispatch of ye affair, as design'd, Cannot attend; whereby your Petitioner, after having kept Goods along time to his detriment, besides ye use of money, has been Necessitated to sell them again, for Considerable Loss, after having paid for them long before, & is a hurt, not only to himself in Perticular, but Trade in General; Wherefore, your Petitioner humbly beggs such Relief in ye Case as in your Prudence shall seem meet.

Which he humbly Conceives may be accomplit by a Clause enforcing the Purchaser, in some few dayes, to redeem his purchase, under penalty putting the said goods to sale in like manner again, (as is usuall in such cases in other parts,) and what Loss or damage may accrue thereby (if any) to make good to the Vendue Master, also if any profit, after ye Charge of Sale deducted, both to be amerced before one or more Justices of the Peace, (at ye Charge of the defaulter, w^{ch} the Vendue Master shall make good to ye Purchaser,) forthwith, or otherwise, as Better you shall think meet; whereby the first owner of the goods will come to his right, in ye prime Sale thereof; Otherwise, your Poor Petitioner is not able to officiate ye place any longer, and desires may be heard at ye barr of the house, what he has further to alledge in this matter.

And Your Petitioner will ever Pray.

Indorsed—"Petition of Jos. Antrobus, read 1 time, 19th 1st mo., 1716-7."

REFERENCES TO TREATIES, 1717, 1718.

Extracts from Council-Book E., 18th July, 1717.*

Fo. 12. Gov. Keith's Treaty wth ye Chiefs of ye Conestogoe or Mingoe Indians, ye Delawares, ye Shawnois & Ganawoise, wherein are no Complaints abt land.

16th June, 1718.

At a Treaty wth ye Chiefs of ye Connestogoe Indians, a Chief of ye Shawnois, a Chief of ye Delawares, & one from ye Ganawais—they were pressed by ye Gov^r to be free, & if they had anything to complain of y^t wanted to be redressed they should without reserve communicate it. Had nothing to complain of, but y^t some bad, straggling People brought too much Rum amongst them & debauched their Young men. And after presenting a new King of ye Connestogoes, & ye Delivery of Presents on both sides, departed, expressing themselves very happy in the Friendship, & under the Protection of this Governm^t.

* See Colonial Records, Vol. III., p. 7 36.

PROCLAMATION—GOVERNOR KEITH TO CONTINUE THE GOVERNMENT, 1719.

PENSILVANIA & COUNTIES OF NEW CASTLE, KENT & SUSSEX.

[SEAL.]

By WILLIAM KEITH, Esquire, Governour of the Province of Pennsylvania & Counties of New Castle, Kent & Sussex upon Delaware.

A PROCLAMATION.

WHEREAS, by one Act of Assembly of this Province, made att Philadelphia, in the eleventh & twelfth years of her late Maties Reign, entitled, An Act for the further securing the Administration of the Government, it is among other things enacted & provided, that in case the Governour in chief of the said Province shall happen to be removed by Death or otherways, then it shall and may be lawful for his Deputy or Licutenant for the time being to exercise all the Powers of Governm^t as fully & amply as before, till further Order from her Majesty, her Heirs or Successors, or the Heirs of the Proprietary & Governour in chief, which shall first happen. And, Whereas, by one other Act of Assembly for the Counties of New Castle, Kent & Sussex upon Delaware, past at New Castle, in the fourth year of his present Maty's Reign, entitled, An Act for the better Security of the People & Govern^t of the Counties of New Castle, Kent & Sussex, in case of the Demise of the Proprietor for the time being, the like Provision is made for the Governm^t of the said Counties. And, Whereas, upon Notice of the said Proprietor's Decease, given to his Majesty, represented by their Excellencies, the Lords, Justices, Regents of the Kingdom of Great Britain, & the Dominions thereunto belonging, their Excellencies were pleased to refer the Affair of this Governm^t unto the R^t Hono^{ble} the Comiss^{rs} for Trade & Plantations, who reported their Opinion to their said Excellencies, That the present Lieuten^t or Deputy Governour might be continued under his former Commission till the present Proprietor & the Trustees shall have settled the Differences that are between them: Whereupon, their Excellencies, on the thirtieth Day of July last past, were pleased to order & direct, That I, the said Lieuten^t Governour should continue to act as Governour under my former Appointment, until the said Differences shou^d be settled as aforesaid, or until further Signification of his Majesty's or their Excellency's Pleasure. By Virtue of which most gracious Order, all the Powers of Governm^t with which the R^t Hono^{ble} the late Proprietor was pleased by his Commission, with his Matie's Royal Approbation to invest me first, continued by the forementioned Acts of Assembly, are now further continued in me by Authority of the Crown of Great Britain, So that the full Powers for the Administration of the Governm of this Province & Counties are as amply in fforce as they have been at any time heretofore; I have, therefore, by & with the Advice of the Council, thought fit that by this my Proclamation due Notice thereof should be published to all his Maty's Liege Subjects of the said Province & Counties, that they may behave themselves

accordingly. And I do hereby charge & command all Magistrates & Officers within the said Province & Counties to proceed & discharge their respective Offices & Trusts with Care & fidelity, Requiring all his Matie's Subjects of whatsoever Rank or Degree within this Government to give all due Obedience thereunto at their utmost peril. Given att Philadelphia, the ninth day of November, in the year of our Lord one thousand seven hundred & nineteen, and in the sixth year of the Reign of our Sovereign Lord GEORGE, by the Grace of God, King of Great Britain, France & Ireland, Defender of the Faith &c.

God save the King.

W. KEITH.

Entred in the Rolls Office, at Philada., in Patent Book A., vol. 5, page 388, &c, the Eleventh day of November, Anno Dom, 1719.

By me, CHA. BROCKDEN, M. R. D.

[See Colonial Records, Vol. III., p. 65—67.]

PROCLAMATION OF GOV'R KEITH FOR A MURDERER, 1720.

BY WILLIAM KEITH, Esq^{re}, Governour of the Province of Pensilvania and Counties of New Castle, Kent and Sussex upon Delaware.

A PROCLAMATION.

WHEREAS, it has been certified to me, That Robert Moore, late of Philadelphia, Gen^t, hath made his Escape out of the Gaol of the City of New York, where He stood committed for stabbing with a drawn Sword, John Gee, late of Philadelphia aforesaid Merch^t, of which Wound the said Gee languished for some time and then died; And Whereas it is suspected that the said Robert Moore is lurking and hid within some part of the Bounds of this Colony, with intention to find means of departing beyond the Seas into some Fforeign Country, without the Reach of the Laws, and from under the Allegiance of his Majesty the King of Great Britain, I have therefore, by and with the Advice of the Council, thought fit to issue this my Proclamation; Strictly charging and commanding all Persons whatsoever within the Province & Counties aforesaid, in his Majesty's Name, not to harbour, entertain, or conceal the said Robert Moore on any Pretence whatsoever, and that under the highest Penalties which the Law in such Case may or can inflict. And all Merchant Owners of any Ships, Sloops, Shallops or other Vessels, and their Masters, trading to, from, and in this Colony, are likewise hereby most strictly charged & commanded, that they be careful to examine the Passengers which they take on Board from any part of this Government, or from within the River & Bay of Delaware; And that they or any of them, do not presume knowingly or willingly to carry off the said Robert Moore under the Pain of being prosecuted with the utmost severity of the Law. Moreover, All his Majesty's Officers of the Peace and others, his Majesty's good Subjects of what

Rank or Degree soever they be within the Province & Counties aforesaid, are hereby required and commanded to make diligent Search after the said Robert Moore, and when found him to seize, apprehend and deliver into the safe Custody of the Sheriff of that County wherein He shall happen to be so seized and apprehended; and such Sheriff having the Body of the said Robert Moore in Custody, is hereby also commanded forthwith to bring the same before me, at Philadelphia, in order to his being further dealt with as Law and Justice doth require and shall direct. Given at Philadelphia the fifth day of November, in the seventh year of the Reign of our Sovereign, Lord George, King of Great Britain, France & Ireland, Defender of the Faith &c., Anno Domini 1720.*

GOD SAVE THE KING.

W. KEITH.

Entered in ye Rolls Office at Philad^a,
The fifth day of November, A^e. Dⁱ. 1720.
}
 By me— CHA BROCKDEN,
M^r. R. D^ebne.

Endorsed.—Proclamation to search for & take Robert Moore for the Murder of John Gee. [See Col. Rec. Vol. iii. p. 103.]

PROCLAMATION OF GOV'R KEITH FOR COURTS OF CHANCERY 1720.

By WILLIAM KEITH, Esq^e. Governour of the Province of Pensilvania and Counties of New Castle, Kent & Sussex upon Delaware.

A PROCLAMATION.

WHEREAS, Complaint has been made That Courts of Chancery or Equity tho' absolutely necessary in the Administration of Justice for mitigating in many cases the Rigor of the Laws, whose Judgements are tied down to fixed and unalterable Rules, and for opening a way to the Right and Equity of a Cause, for which the Law cannot in all cases make a sufficient Provision, have notwithstanding been but too seldom regularly held in this Province in such a manner as the aggrieved Subject might obtain the Relief which by such Courts ought to be granted. And Whereas the Representatives of the Ffree-men of this Province taking the same into Consideration, did at their last Meeting in Assembly request me that I would, with the Assistance of the Council, open and hold such a Court of Equity for this Provinces: To the End therefore that his Majesty's good Subjects may no longer labour under these Inconveniencies which are so Complaind of, I have thought fit, by and with the Advice of the Council, hereby to publish and declare, That with their Assistance, I purpose (God willing) to open and hold a Court of Chancery or Equity for this Province of Pensilvania at the Court House of Philadelphia on

* See Col. Rec. Vol. III, p. 193.

Thursday the twenty fifth Day of this instant August, From which Date the said Court will be and remain always open for the Relief of the Subject to hear and determine all such matters arising within the Province aforesaid as are regularly cognizable before any Court of Chancery according to the Laws & Constitutions of that part of Great Britain called England. And his Majestie's Judges of his Supreem Court as well as the Justices of the inferiour Courts, and all others whom it may concern are required to take Notice hereof, and to govern themselves accordingly. Given at Philadelphia the tenth Day of August in the seventh year of the Reign of our Sovereign Lord George King of Great Britain, France & Ireland Defender of the Faith &c., Anno Domini 1720.

GOD SAVE THE KING.

W. KEITH.

Recorded in ye Rolls Office at Philadelphia,
in Patent Booke A vol 5 page 403 The 13th of Augⁱ
Anno Dinth 1720. }
 per me— CHA BROCKDEN,
 M^{ri} Rolls Dep^t. }

Endorsed.—"Proclamation to hold a Court of Chancery for the Province of Pennsylvania at the Court of Philadelphia."

REPORT ON PETITION OF THE SWEDES, 1721.

To the Honourable Sir William Keith, Govern^r of the Province of Pensilvania, &c., the Counties of New-Castle, Kent & Sussex, upon Delaware.

The Report of R. H., J. N. & J. L., Proprietary Agents for the said Province, in answer to the Governour's Lett^r.

May it please the Govern^r:

Having Seriously considered the Petition from certain persons amongst us called Swedes, addressed to the House of Representatives, which the Govern^r, by his Lett^r of the 20th of last month was pleased to refer to us for our opinion, We with all due Submission humbly offer our Sentim^{ts} upon as follows:

As we cannot find that any one of those persons whose names are putt to that Petition has had their Title to Land held by vertue of Grants from the Governor of New York, called in question by the late Proprietor or any under Him, within the compass of our knowledge; We have therefore just cause to apprehend that this Petition arises from a much different foundation. Ffor of all men in this Province, those called the Swedes have certainly the least reason to complain of hard Usage. The Proprietor at his first Arrival, finding their Ancestors possessed of the then most Valuable Tracts of Land on the front of the River, without inquiring into the validity of their Titles,

* See Reference in Col. Rec., Vol. III. p. 99-101.

but considering them as Strangers in an English Governmt, through His known Benevolence to Mankind, was pleased so far to distinguish them by His favours as to confirm to all Such as applied to Him all their just Claims to the great Disappointm^t of those English Adventurers who embark'd with Him, and hazarded their Lives and fortunes on the commendable Design of peopling this Colony; Or where it was found necessary to apply any of those Claims to other purposes, He was pleased to make very ample compensation for them, a pregnant instance of which is His Grant of Six hundred Acres of Land to the Swansons in lieu of a very Slender Claim they had to about half that quantity in the place where it was judged most convenient this City Should be built. The Same measures also His Commissioners, by his order, from time to time pursued in relation to these People. And Himself again on His Second Arrival, finding them much crowded in their old Possessions, through the same Goodness in a most peculiar manner, extended his favours by granting them in one Tract, for their greater Conveniency, no less than ten Thousand Acres of Land on Skuylkill without any other consideration on their parts than the easie Quittrent of one bushel of Wheat for each one Hundred Acres yearly, of w^{ch} divers of them have, by sale of their rights without any Improvement, made considerable Advantage; Yet, notwithstanding these special marks of favour, which those People, when left to themselves will duly acknowledge, In our former unhappy times, when Men who delighted in embarrassing the Public, exerted their Endeavor to promote that End; One of the measures then taken was to spirit up those People to petition the Assembly, and to complain of Grievances; So that this is not the first time that they have been prevailed on by truly *Designing persons* (to use the words of the Petition) to draw upon themselves the imputation of Ingratitude; In which nevertheless they may the more easily be pardoned, Since they were only made use of by others, and that it might be truly said of them, as some of themselves have owned, that *they knew not what they did*.

But seeing the Petition mentions the Suit between *Shae & Justis*, and as a groundless Clamor has been raised and Spread from that and another affair, both grounded originally on the Claims of the Swansons, We shall beg leave, briefly and truly to represent both cases, that the state of these matters may be the more clearly understood.

The Proprietor, after His first Arrival, as we have already observed, Granted by His Warrant to three Brothers of the Swansons Six hundred Acres of Land very near this City, and within the Bounds of its Liberties, which was to be held under the Yearly Quittrent of only Three Bushels of Wheat for the warrant. This the said Brothers, or their Relicts or Heirs, disposed of to two Englishmen & another Swede, who married in the family, but having no other Title than a Warr^t and Survey, they obliged themselves (as we have been credibly informed) by Articles and Bonds to procure a

Patent, and untill that was done to pay the Quittrent. At the Proprietor's Return into the Province all these three Brothers being then dead, their Widows, after a Law had been passed for a general Resurvey, applied to the Proprietor requesting, according to the practice at that time, a Resurvey and Title to the said Land, that they might be eased from the further Paym^t of Quitt^{ts} and Discharge their or their late Husbands' Bonds; Desiring that the Overplus in measure might be cutt off, for as no more than 600 Acres were sold, they were obliged to make a Title only to that quantity. A warr^t was accordingly granted at their Request, the Land was Resurvey'd, and tho' it lay within the City Liberties, in which Lands were wanted to answer the Demands of the first Original Purchasers, who had not obtained the Rights due to them by the Proprietor's first Concessions to Purchasers in England; Yet to the manifest Injury of those Purchasers the allowance of ten Acres in the Hundred was also made to that Land, Six hundred and sixty Acres, that there might be no room for Complaint, instead of 600, were regularly laid out, most of the Overmeasure above that quantity was cutt off, on the side remotest from the Town adjoining to the City Liberty Land, and a Patent was prepared confirming the whole 660 Acres to those three Widows according to their Desire. But whether it was to make a firmer Title to the Vendees and their Assigns, or for whatever other end, the widows applied to the Proprietor again, and at the instance of those men requested that the Tract might be divided into three equal parts of 200 Acres each, with the mentioned allowance, and be severally confirmed to those Vendees, &c., respectively, in which they were also gratified: The Division Lines and Bounds were actually run, and returned into the Office; and according to those Returns three several Patents to the Vendees were drawn by the Secretary and signed by the Proprietor in October 1701, now above twenty years ago, And most of the Overmeasure being thrown off, as has been observed, to the other City Liberty Lands, was about 14 years after granted indifferently with others of the same, to Thomas Shute, who, having at high Rates bought divers Rights to Liberty Land belonging to Original Purchases, made of the Proprietor in England in the years 1681 & 1682, to the quantity of Acres, as he fully made appear to us, obtained Warrants for the Same, and the Surveyor, in laying it out taking in Some part of (as he had good reason) the Overplus of the Swansons, w^{ch} had so long before been cut off from the Tract, returned it accordingly into the Office, and a Patent was thereupon granted to T. Shute in the usual manner for all those Rights together. Now, tho' the Swansons had never any pretence to the Land there but from the Proprietor's Warr^t of Survey, nor their Assignees any real Title but from the Proprietor's Patents; Tho' they have the utmost they can claim either in Law or equity; Tho' the Overplus in the first erroneous Survey was regularly cutt off; And tho' T. Shute holds his Land by Vertue of firm Original Deeds of Lease and Release, executed by the Proprietor in

Engl^d before any one Adventurer came over into Pensilvania; and had it as regularly survey'd and confirmed by Patent as any other Lands have been in the Province, (all which can be largely proved,) Yet some Men not only have the Assurance to disturb him in his Possession, but have been so unjust as to raise a Clamour & impose on many to believe that the Rights of the good Swedes have in this case been invaded, when in truth the question only lies in this whether or not ye Assignees of the Swansons shall hold much more than their due and what they have no manner of right to, and thereby deprive the Assigns of the first English Purchasers of their undoubted Rights that have been largely paid for; That is, whether a Warr^e to a Swede, with an erroneous Survey upon it, shall give a better Right to what was never granted, nor intended to be granted, than English Deeds of Lease & Release, with a regular Process through the Offices for a Confirmation, will give for what was truly purchased so many years before.

The other Case is this: The Same three Widows whom we have mentioned, applied to the Proprietor in the Same Year, 1701, for ye Grant of some unsurvey'd Marsh or Cripple, w^{ch} lay contiguous to their or their Children's Lands in Wickakoe. The Proprietor, with his usual Indulgence to these people, the same day granted them a Warr^t for 50 Acres; nor was it understood that they had any Right to any of that Marsh, except that they yearly made use of the Grass of it, but from this Grant only. Some few years agoe the unhappy Heirs to two-thirds of those Lands were induced to sell their Rights in Wickakoe, both Highland & Marsh, to some English Purchasers, for from Such Sales only those Clamours here rose; Hereupon immediately the new Purchasers were pleased to give out, that they had a Right, not only to their respective Shares of the 50 Acres granted by the Proprietor to the Widows, but of all the Marsh that lay there. This being wholly new to us, who were then about encouraging the Improvem^t of the vacant Marshes & Cripples to the Southw^d of this town, we appointed a Day for all those to meet us, whom we understood to have any Claim to those Lands of Wickakoe, and having then accordingly being mett, we desired them to acquaint us with the Claim we understood they had made to the Remainder of that Marsh above the 50 Acres, assuring them, that if they had any equitable Right, of which we had never found the least footstep or probability, we were so far from desiring to deprive them of it, that we should be ready to confirm it to them, but their Lawyer, then with them, (for what reasons he best knew,) advised them (as some of them have freely owned) against it, alledging at the same time something out of the Royal Charter to ye Prop^r w^{ch} was never there. On this head also, tho' more could not have been done on our parts, and notwithstanding we have no foundation to believe they have any Such Right as they have pretended, the same kind of noise and Clamour has been raised, fomented not so much by the Swedes themselves, as by others more nearly related to Great Britain, who

may too justly be accounted the truly *Designing Men* to whom our Divisions, whenever they arise will be owing.

These (May it please the Governour) are the only cases we know, in which the Swedes in the late Cry have been rendered as suffering persons; and perhaps it may exceed the Belief of any Rational Man, who is a stranger to the place, that such indirect Uses could be made of them. Upon the whole, we shall briefly Say, That all men who have fair and just Rights might have had them confirmed, and those who neglected it, may undoubtedly have them hereafter upon a candid Application. Honest Men want no other Provision, And 'tis presumed no Assembly of this Province Now will espouse the cause of the other part of Mankind. The greater part of those old Claims are already confirmed by the Proprietor or His Commissioners; and if any yet want a Confirmation, it has been owing, we conceive to a Notion industriously instilled into those People, that a Title from New York was preferable to any the Proprietor could give from the King's Letters Patents, and therefore 'tis unreasonable they should apply for an Act derived from the Proprietors Authority to have them. Their Titles from N. York have never yet been called in question, for all that was said at ye Trial of their cause was intended to shew the Proprietor's great favour & tenderness to that old Settlem^t, who have not always made the best Returns, of w^{ch} this Petition is an Instance. But Such an Act as Seems to be desired to confirm all men in all their Claims to which they could plead quiet possession, would, under any Administration, be highly unjust, Seeing Some persons (and such are seldom the best of men) have long possessed themselves of Lands & Lotts without any Right at all, of which divers Instances could be given. Acts of Such a Nature, we say, could at no time be justly passed without the Consent of the Proprietor or those intrusted by him in those Cases. And we beg leave further to add, that the Govern^r Himself is fully Sensible, That at this time, while the Affairs of the late Proprietor's family remain unsettled, none such can by any means be passed that may affect their Estate & Interest here; And we hope those men, who on a *late occasion*, were so tenderly concerned where there was no danger, that His Heirs Should not be wronged, will now abhor the thoughts of so manifest & flagrant an Injustice.

These men, called Swedes amongst us, we are sure have never been injured by the Proprietor or any under Him; tho' they are very Ill us'd by those who from time to time court their hands and names to carry on Designs that require Such palliating. These People, as they are descended from a Nation famed for their Loyalty & Obedience to Governm^t, may of themselves, & when not misled by others, be quiet honest Men. But how far it is consistent with the Peace, Honour, or Security of an English Governm^t, that they who, by their Birth are really English, and have had the utmost Protection, Should upon occasion be thus nationally distinguished, (as the

Governour has most justly observed to us,) is humbly referr'd with what is here offered to His further Consideration.

We are with Sincere respect,

The Governour's Assured friends,

RICHARD HILL.

I desire that my name may be Re-Set to }
any Copy of this, }

ISAAC NORRIS,

JAMES LOGAN.

Philad^{ia}, 28th 12th mo. (February) 1721.

PRIVY COUNCIL ON MEDITERRANEAN PASSES, 1722.

At the Court at Kensington, the 14th day of June, 1722.

[L. S.] PRESENT.

The King's Most Excellent Majesty.

Lord Arch Bishop }
of Canterbury, }

Earl of Portmore,

Lord President,

Lord Viscount Townshend,

Duke of Devonshire,

Lord Viscount Falmouth,

Duke of Montrose,

Lord Carteret,

Duke of Rocksburch,

Mr. Comptroller,

Earl of Sutherland,

S^r Robert Sutton.

Upon reading this day at the Board a Memoriall from the Comm^{rs} for Executing the Office of Lord high Admirall of Great Britain and Ireland &c., touching Severall Indirect Practices Committed in the Granting Passes to Secure the Ships and Vessels belonging to his Maj^{ty}'s Subjects from the Cruizing Ships of Algier, together with New Rules and Methods for Granting Passes which are hereunto annexed.

His Maj^{ty} in Council approving thereof was pleased to Order a Proclamation to be prepared and issued, Directing that all such Passes shall not Continue in force longer than Twelve Months (excepting to Ships gone or now going to the East Indies or to the South Sea or any other long Trading Voyages) but be returned into the Admiralty Office within the said Time, in order to their being Cancelled, and New Passes of a different Form, Granted in Lieu thereof: And Whereas the said Lords Commiss^{rs} of the Admiralty, do Represent in their said Memoriall, That for preventing any indirect Practices or Impositions in the obtaining Passes which may be demanded, either for Ships in the Port of London, or in any other Port of Great Britain or Ireland, or in any of his Majesty's Forreign Governments or Plantations, it is absolutely necessary, that the Surveyor of the Act of Navigation, or his Deputy, who shall be Approved by the Commiss^{rs} of the Customs at the Port of London, and the Surveyor or proper Officer of the Customs, at the other Ports of the Kingdoms of Great Britain and Ireland, as well as those in

His Majesty's Forreign Governments and Plantations, should with the utmost strictness and care, personally Examine into the nature of such Ships and Vessells, for which Passes shall be demanded, to prevent their being otherwise imposed on, and not to Grant Certificates, in order to the obtaining such Passes, untill they shall be thoroughly satisfied that such Ships and Vessells were actually built in his Majesty's Dominions, or that, if Forreign built, they are made Free, and that the Masters and all the Owners of such Ships or Vessells, are really and bona fide his Majesty's naturall born Subjects or Forreign Protestants made Denizens, as also, that the aforesaid Masters and no others are really designed to go to sea with such Ships and Vessells on their intended Voyages. His Majesty in Councill taking the same into Consideration, was pleased to Approve thereof, and to Order, as it is hereby Ordered, That the Governors or Commanders in Chief of all his Majesty's Forreign Governments and Plantations, do give the strictest Orders to the Navall Officers there, that whenever a Pass shall be demanded and a Bond Entered into, that no indirect use shall be made of such Pass, the said Navall Officers do take especiall Care that those who Enter into such Bond be responsible Persons, that so if any such indirect Use shall be made of the Pass, and that it be not delivered up by the time required, the Penalty of the said Bond may be sued for and recovered to his Majesty's Use.

And the said Lords Commiss^{rs} of the Admiralty likewise representing it necessary for the Security of the Trading Ships and Vessells belonging to his Majesty's Subjects inhabiting his Majesty's Forreign Governments and Plantations, that Passes should be Lodged in the Hands of the Governors or Commanding Officers at the said Governments or Plantations, to be delivered by them to the Masters of such Ships and Vessells as may have occasion for the same ; His Majesty is hereby further pleased to Order and strictly to forbid all such Governors or Commanding Officers of his Majesty's Forreign Governments and Plantations for the time being, to issue any Passes to the Masters of any Ships or Vessells whatsoever, untill they shall be thoroughly Satisfied by Authentick Certificates from the Navall Officers within their Governments, that such Ships or Vessells were either built in or belong to Great Britain or Ireland, or the Islands of Guernsey and Jersey, or One of his Majesty's said Forreign Governments or Plantations, or that they are Forreign built, made free, as also, that the Masters and all the Owners of them are actually his Majesty's naturall born Subjects, or Forreign Protestants made Denizens, And that before the delivery of such Pass, the said Governors or Commanders in Chief, do Indorse on the backside thereof in Words at Length and not in Figures, the Time when delivered at what Place and by Whom, and that to the said Indorsement they putt their Hand and affix their Seal. But in regard the Ships and Vessells belonging to the aforesaid Forreign Governments and Plantations, do frequently make short Voyages from one Government or

Plantation to another, insomuch that it may be inconvenient to return the Passes which they shall be furnished with at the End of every such Voyage: His Majesty is hereby further pleased to Order that all such Passes as shall be so issued, be returned within the space of Twelve Months from the respective Dates thereof, either to the Governor or Commander in Chief of the Forreign Government or Plantation, by whom they shall be delivered, or to the Governor or Commander in Chief of any other of his Majesty's Forreign Governments or Plantations, where the Ship or Vessell may happen to Come when the Limited Time for the return of the said Pass shall be Expired, And the said Governors or Commanders in Chief for the time being, are hereby strictly required not only not to Grant any other Pass unto such Ships or Vessells, untill the former is delivered up, as aforesaid, or Oath made, that the said Ship or Vessell never had any Pass before, or if so, when and to whom the same was returned, or an Authentick Certificate produced thereof, from the Person to whom the same was delivered, but also to sign a Certificate to the Master of such Ship or Vessell who shall so deliver Such Pass that so the said Masters, upon producing such Certificate to the Governor or Commander in Chief from whom they received the same, may have the Bond they entered into Cancelled; And there being reason to believe that Forreigners do Buy Ships or Vessells belonging to his Majesty's Subjects in the Plantations and Governments abroad, and that with such Ships or Vessells, the Passes are delivered to the Purchasers, which they make use of to protect them in Carrying on their Trade, to the prejudice of his Maj^{ty} in his Revenue, and the Navigation of his Majesty's Subjects; His Majesty is hereby further pleased to Order, that the said Governors or Commanders in Chief of his Maj^{ty}s Forreign Governments or Plantations for the time being, Do use their utmost Endeavors to Prevent such irregular and unjustifiable Practices, and that when they do find any Ship or Vessell shall be sold in the manner aforesaid, they timely Demand from the Owners or Master, the Pass which was furnished to such Ship or Vessell, in Case the same shall not have been returned by them before, which they are in the strictest manner to Enquire into & Satisfy themselves in, and that upon their receiving such Pass, they do immediately Cancell the same and transmitt it, as soon as possibly may be, to the Governor or Commander in Chief of such Government or Plantation of his Majesty's, by whom the same was issued, in Order to his Cancelling the Bond which was Entered into at the Issuing such Pass and returning the Pass itself to the Admiralty Office here.

And his Majesty is hereby further pleased to Order and strictly to require the said Governors or Commanders in Chief of his Forreign Governments or Plantations for the time being, not only to Cancell and transmitt to the Admiralty Office here Quarterly, or as soon after as they can possibly have Opportunities of doing the same, all such Passes as shall be so returned to them from time to time, but to

keep or cause to be kept, and in like manner transmitted to the said Admiralty Office, a true and Exact Account of all such Passes as shall be issued by them, according to the Method which hath already been, or may hereafter be, sent to them from the Commiss^{rs} for Executing the Office of Lord high Admirall of Great Britain and Ireland &c., or the Lord high Admirall or Commiss^{rs} for Executing that Office for the time being: As also that the said Governors or Commanders in Chief of his Maj^{ty}s Forreign Governments and Plantations, do cause such bonds as shall be entered into to be strictly putt in Suit, that so the Penalties therein may be recovered to his Majesty as often as they shall find the Persons to whom such Passes shall be issued, do not return as aforesaid the said Passes within Twelve Months after the respective Dates thereof, unless in the case of Shipwreck, or their being taken by Pirates or other Enemies, or that the said Passes shall be lost by any other unavoidable Accident, or that they produce to them a Certificate of their having so delivered them to some other Governor or Commander in Chief of his Maj^{ty}s Forreign Governments or Plantations: And his Majesty is hereby further pleased to Order, that the respective Governors or the Commanders in Chief of the said Forreign Governments & Plantations for the time being, Do not upon any Pretence whatever, Demand Ask or Take, or cause to be Demanded Asked or Taken, any more than the summ of Twenty Five Shillings Sterling for each Pass, which shall be delivered out by them, being the Fee His Majesty hath been pleased to Direct to be Paid for such Pass, to the Secretary to the Lords of the Admiralty, and the Clerks belonging to their Office, Out of which the Publick Duty for the Stamps thereon, and on the Bonds and Oaths, are to be made good by them to His Majesty, And the Governor or Commander in Chief is to be from Time to Time Accountable to them for the same, Whereof the Governor or Commander in Chief of the Province of Pensilvania for the Time being, And all others whom it may concern, Are to take Notice and Govern themselves accordingly.

TEMPLE STANYAN.

RULES FOR GRANTING PASSES.

That no Pass be Granted, in pursuance of the Treaty with the Government of Algier, to any Ship or Vessell belonging to the Kingdoms of Great Britain and Ireland, the Islands of Jersey or Guernsey, or to any of his Majesty's Forreign Colonies or Plantations, or his Maj^{ty}s Island of Minorea, or the Town of Gibraltar, but by the Lord high Admirall or Lords Commis^{rs} for Executing the Office of Lord high Admirall for the time being.

That no such Pass be granted to any Ship or Vessell unless they are built in Great Britain or Ireland, the Islands of Jersey or Guernsey, or in his Majesty's Forreign Governments or Plantations, or actually belong to his Majesty's Island of Minorea, or the Town of

Gibraltar, or that it shall appear by Authentic Certificate they are Forreign Built Ships made free.

That no Pass be granted to any Ship or Vessell whereof the Master and Three fourths of the Mariners are not his Majesty's Naturall born Subjects or Forreign Protestants made Denizens, unless it be to the Ships or Vessells belonging to the Island of Minorca or the Town of Gibraltar.

That no Pass be issued to the Master of any Ship or Vessell belonging to his Majesty's Subjects of Great Britain or Ireland, or the Islands of Jersey or Guernsey, or any of his Majesty's Lands, Islands, Plantations or Territories in Asia, Africa or America, untill he shall have given Bond to his Majesty in the summ of Fifty Pounds Penalty, if such Ship or Vessell be under the Burthen of One hundred Tuns, and in the Penalty of One hundred Pounds, if such Ship or Vessell be of the Burthen of One hundred Tuns or more, for the delivering up of his Pass, upon the Return of such Ship or Vessell, and her being unloaden in any Port of Great Britain or Ireland, or the Islands of Guernsey or Jersey, except such Ships or Vessells which Trade to the Ports of France Portugall or Spain, on this side the Streights Mouth, and that in such case, the Passes delivered to those Ships or Vessells be returned within Twelve Months from the Date of them respectively, And that the Collectors of the Customs at the Out Ports of these his Maj^{ties} Dominions Do, as at present, take the Bonds for delivering up such Passes as aforesaid.

That no Pass be granted to the Master of any Ship or Vessell belonging to his Majesty's subjects inhabiting in any of his Majesty's Lands, Plantations or Territories in Asia, Africa or America, untill they shall have Entered into Bond in the Penalties beforementioned, to deliver up the said Pass within the space of Twelve Months after the Receipt thereof, either to the Governor or Commander in Chief of such Government or Plantation from whom he received the same, or to the Governor or Commander in Chief of some other of his Majesty's Forreign Colonies or Plantations, in case such Ship or Vessell continue to Trade in those Parts, or to transmitt the said Pass to the Lord high Admirall or Commiss^{rs} for Executing that Office, in case she shall come to any Port of Great Britain or Ireland as soon as such Ship or Vessell shall be unloaden.

That the Forms of the Certificates to be given, Bonds to be Entered into, and Oaths to be taken by the Masters of all Ships and Vessells, British or Irish built, or built in the Islands of Jersey or Guernsey, or in any of his Majesty's Forreign Governments or Plantations, or to Forreign built ships made free, may be in the same manner as those which are also hereunto annexed.

Indorsed

Copy Order of Council touching the issuing of Mediterranean Passes. June 14th, 1722.

BY THE KING,—A PROCLAMATION,

Requiring Passes formerly granted to Ships and Vessels trading in the way of the *Algerine* Cruizers, to be returned into the Office of the Admiralty of *Great Britain*; and other Passes to be issued of a New Form.

George R.

Whereas, by Our Royal Proclamation bearing Date the Fourth Day of October, in the First Year of Our Reign, Wee did Charge and Require, That the Owners and Masters of all Ships and Vessels belonging to Our Loving Subjects of Great Britain and Ireland, as well as Our Foreign Governments and Plantations, which should have Occasion to trade to Portugal, the Canaries, Guinea, the Indies, into the Mediterranean, or elsewhere, in the Way of the Cruizers of the Government of Algier, should be furnished with Passes of the Form thereby directed, by or before the Thirtieth Day of July, in the Year of our Lord One thousand seven hundred and fifteen. And whereas Our Commissioners for Executing the Office of High Admiral of Great Britain and Ireland, have humbly represented unto Us, That it may have happened, that when such Ships or Vessels have either been taken in Time of War, or disposed of by Sale in Remote Parts, the Passes issued to them, as aforesaid, may have fallen into the Hands of Foreigners, or have been sold to them with the Ships or Vessels, the latter being directly contrary to the Bonds entred into by the Masters of such Ships and Vessels to return the aforesaid Passes, that so they may be Cancelled at the Admiralty-Office: And Our said Commissioners for Executing the Office of High Admiral of Great Britain and Ireland, having further represented unto Us, That they have been informed, that several Ships and Vessels, belonging to Foreign Princes or States, have by some Indirect Means procured and carried on their Trade with such Passes, as aforesaid; which Indirect Proceedings are not only Prejudicial to Our Trading Subjects, and Our Revenue, but may occasion Misunderstandings between Us and the aforesaid Government of Algier: For Preventing Whereof We have thought fit, by the Advice of Our Privy-Council, to Publish this Our Royal Proclamation, hereby Declaring, That all such Passes of the Old Form, which have been issued before the Date of this Our Royal Proclamation, shall not continue in force longer than for the Space of Twelve Months from the Date hereof, (Excepting such as have been granted to such Ships or Vessels as are gone or going to the East Indies, or to the South-Seas, or any other long Trading Voyages.) And We do hereby strictly Charge and Command all Our Loving Subjects, Who are, or shall be possessed of any such Passes, That they do, within the Space of Twelve Months from the Date of this our Royal Proclamation, as aforesaid, return the same (Excepting such as before excepted) into the Office of the Admiralty of Great Britain, in Order to their being Cancelled; and that they do furnish themselves with Passes of a

New Form, under the Hands and Seals of Our Commissioners for Executing the Office of High Admiral of Great Britain and Ireland, in lieu thereof, for their several Ships and Vessels, according to the Treaties concluded between Us and the said Government of Algier, and Our Instructions given to Our said Commissioners for Executing the Office of High Admiral of Great Britain and Ireland touching the same.

Given at Our Court at Kensington the Nineteenth Day of July, in the Eighth Year of Our Reign.

God save the King.

From the original hand-bill, in Black letter.

INSTRUCTIONS OF ADMIRALTY RESPECTING PASSES, 1722.

ADMTY OFFICE, 31st Octo^r, 1722.

S^r :

His Majesty having been pleased to direct, by his Royal Proclamation, that all Passes, which have been granted to Ships or Vessels belonging to his Maj^{ty}s Subjects, trading in the way of the Cruizing Ships of Algier, shall not continue in force longer than Twelve Months from the Date of the said Proclamation, (One of which I send you inclosed,) but be returned into the Admty Office, in order to their being Cancelled, and New Passes of a different Form issued in lieu thereof, that so the present Abuses of the Old Passes, by their coming clandestinely into the Hands of Foreigners, may be prevented, I am commanded by my Lords Comm^{rs} of the Admiralty to send You herewith Thirty Passes of the New Form, which his Majesty hath Commanded shall be filled up by You, upon the Master's having made Oath of the property of the Ship and entering into Bond, in conjunction with One of the Owners, to return the Passes within the Space of Twelve Months, and the Naval Officers certifying the Burthen of the Ship, her Number of Men, Guns, &c., who is directed by his Maj^{ty}s Order in Council to Survey Ships, and Certify the same, instead of the Officer appointed by the Comm^{rs} of his Majesty's Customs; And for Your guidance herein, I send You One of the Passes, Bonds, and Oaths filled up, and Thirty of each of such Bonds and Oaths, as also a Scheme, explaining in what Manner it is desired you will cause an Account to be kept of such Passes as shall be issued by You; And I am to desire, that You will, by all convenient Opportunities, let me know, (according to the aforesaid Scheme,) to what Ships or Vessels You grant Passes. I also trouble You with a sufficient Number of Certificates, to be made use of by the aforesaid Naval Officer, which You will please to cause to be deliver'd to him with proper Instructions for his Guidance, according as is directed by his Maj^{ty}s Order in Council relating thereunto, which You will receive herewth.

I am to desire You will be pleased to return to this Office, by the first convenient Opportunities, all Passes of the Old Form remaining

in Your Hands, as also the Bonds and Oaths, and that You will be at the the trouble to cause an Account to be prepared and transmitted to this Office, of the Passes of the said Old Form, which have been issued at Your Government, and that the Person in whose Hands the Fees for such Passes are, may be accountable to me, and the Clerks of this Office for the same; And his Maj^{ty} having been pleased to Direct by his Order in Council, that Twenty-five Shillings Sterling shall be demanded and received for every Pass of the New Form, You will be pleased to cause the same to be done, and remitted hither, when opportunities shall offer for it, and to give me early Notice, when there may be occasion for a further Number of Passes that so they may be timely sent to You. I am,

Sr.,

Your most humble Servant,

J. BURCHELL.

P. S.—I desire You will please to Order the Collectors to make up an Account of such Money as they have received for the Stamps on the Bonds and Oaths before the Fees were Settled, and to transmit it, with the Money, to me.

Governour or Commander in chief of Pensilvania, for the time being.

LETTER—LORDS JUSTICES TO GOV. ON PASSING LAWS, 1723.

WHITEHALL, August 3, 1723.

Sir :

I herewith inclose an additional Instruction, signed by the Lords Justices, to prevent any surprize in the passing of Private Acts without due consideration and without the Privy of the parties concerned. You will please to take care, that the said Instruction be duly complied with. I am,

Sir,

Your most humble Servant,

CH. DELAFAYE.

Gov^r Keith.

LETTER FROM ADMIRALTY ON PASSES, 1724.

ADMIRALTY OFFICE, 7th Dec^r. 1724.

SIR.

I am commanded by my Lords Comm^{rs} of the Admiralty to desire, that when you do cause any of the Passes which now are or may hereafter be in your Custody, to be filled up, in order to their being delivered to the Masters of such Ships belonging to his Majesty's Subjects, as have a Right to the same, according to the Instructions you have received from his Majesty in Council, you will please to direct, that the *Name of the Ship*, and to *what Place she belongs*;

the Name of the *Master*, the *number of Tuns*, *Guns*, and *Men* together with her *Built*, and the *Place* to which she shall be bound, as also the *Day*, *Month* and *Year*, when granted, be filled up in a large, black Character, the better to prevent any Erasure or Alterations, and that the *Number* of the said Pass be inserted either at the bottom of the side that is printed, if there shall be room for it, or at the bottom of the other side thereof, in words at length in a large black Character, as aforesaid, when you find they are not so numbered at this Office, which they will be when any shall be sent to you hereafter. I am

Sir

Your most humble servant,

J. BURCHELL.

Sir William Keith, Gov^r of Pennsylvania.

COMM'RS OF CUSTOMS TO GOV'R ON TRADE, 1725.

SIR.

Having pursuant to a Warrant from the Lords Commiss^{rs} of the Treasury appointed Richard Fitzwilliam, Esq^r, Surveyor General of the Southern part of the Continent of America, in the room of Mr. Birchfield, Superseded.—And he having receiv'd Instructions from us for the more effectual putting in Execution the Laws relating to Trade & Navigation, we desire you will please to be assisting with your Authority to the said Fitzwilliam and the other Officers of the Customs under his Inspection as they shall have occasion to apply to you.—And also that you will strictly command all Officers & Ministers employed under you to be assisting to them in putting in Execution the Laws against illegal Trade, that the Service under our Management may be effectually carried on.

By the Act 7 & 8 W. 3. the Naval Officers employed under the Governours are to give Security to and be approved of by this Board. And there being several Naval Officers appointed by you who have not as yet been approved of or given Security, We desire you to order all such Naval Officers as are at present employed in your Government to give Security to us according to the above Act, the Security they gave on the Appointment by any former Governour becoming void on your taking Possession of the Government. And as the due Execution of the Acts of Trade & Navigation greatly Depend on the care & Integrity of the Naval Officers, We desire that you will deliver to the said Fitzwilliam a List of such Naval Officers as are appointed in your government in order to his transmitting the same to us with his Report as to their Abilities and Qualifications for the Executing the said Employments.

It having been represented to us that the Collectors & Naval Officers live at a great distance from each other, which is not only prejudicial to the Service but also a great delay & hindrance to Merchants &

Commanders of Ships in Clearing of their Vessels.—We desire you will consult with Mr. Fitzwilliam and jointly appoint proper Places where the Collectors & Naval Officers for each District may live together, that the Merchants & Commanders of Ships may not be put to the like inconveniences for the future.

The said Surveyor General as well as the Collectors having our directions from time to time to inspect the Proceedings of the Naval Officers, and to Examine into the State of the Navigation Bonds taken by them, and to see that no insufficient Persons be taken as securitys or that any Persons be accepted in any new Bonds to the Crown who are bound in other Bonds undischarg'd unless such Persons be esteem'd more than sufficient to answer the Penalties of all the Bonds enter'd into by them to the Crown.—We therefore further desire that you will be pleased to direct the Naval Officers to consult the Collectors from time to time in their Proceedings, and not to take any Persons as Securitys in any Navigation Bonds till they are approved of by the respective Collectors and to permit them as well as the Surveyor General to Examine from time to time into the State of the said Bonds, and to make them privy & consenting to the discharge thereof, and advise with them in the Prosecution of such as are not regularly discharged.—And the Act of the 8th Anne having limited the Prosecution of the said Bonds to be commenced within three Years from the Date thereof and Judgment to be obtain'd within two Years afterwards.—We desire that if Certificates be not produced within Eighteen Months, the time allowed by Law for producing thereof, that Orders may be given that such Bonds be immediately put in Suite and vigorously prosecuted.—And we desire that you will give publick notice that such Bonds will in failure of Certificates being produced as aforesaid be vigorously Prosecuted.

We are

Your most humble Serv^{ts},
T. WALKER,
CHARLES PEERS,
ROB^t BAYLIS,
JA. CAMPBELL.

Custom H^o. London,
23 Septem^r 1725.

Direction.—Pennsylvania.

BOARD OF TRADE ON ISSUING BILLS OF CREDIT, 1726.

WHITEHAL, May the 11th, 1726.

Sir :

I am commanded by my Lords Commiss^{rs} for Trade & Plantations to acquaint you, that they have lately had under their Consideration Four Acts, pass'd in Pennsylvania, for giving a Currency to Paper Money, Entituled,

An Act for the emitting & making Current £15,000 in Bills of Credit. Pass'd 2d March, 172^d₃.

A Supplementary Act to an Act, entituled, an Act for emitting and making Current £15,000 in Bills of Credit. Pass'd 30th March, 1723.

An Act for the better and more effectual putting in Execution an Act of Assembly of this Province, Entituled, an Act for emitting and making Current £15,000 in Bills of Credit. Pass'd the 11th of May, 1723. And

An Act for emitting and making Current £30,000 in Bills of Credit. Pass'd the 12th of December, 1723.

Their Lordships have found by Experience, that Bills of Credit have been of very ill Consequence in other Places where they have been issued, particularly in Carolina, where not only the Province, but the Merch^{ts} have sustain'd great Losses thereby.

For this Reason, if it were not out of Tenderness to those Persons into whose Hands the Bills issued in Pennsylvania may have pass'd, Their Lordships would lay the aforementioned Acts before His Majesty to be repeal'd; And if any further Acts are pass'd for creating more Bills of Credit than those already issued, Their Lords^{ps} will certainly think themselves oblig'd to lay them before His Majesty for His Disallowance.

However, for the present, Their Lordships command me to acquaint you, That they think it highly necessary for His Majesty's Service and for the Good of the Province under Your Government, that all possible Care shou'd be taken for the effectual sinking these Bills, And that the Funds given for that Purpose be duly apply'd.

I am further directed to observe to you, that the Laws referr'd to, in these acts for Paper Currency, have never yet been transmitted to this Office, And to desire that you will transmit the said Acts, and all such Acts for the future, as shall be pass'd in Pennsylvania.

I am, Sir,

Your most hum^{le} Servant,

ALURED POPPLE.*

Major Gordon.

JAMES STEELE TO ROBERT SHANKLAND, 1726.

PHILADA., 11th 4 mo., 1726.

Loving Friend, }
Robt. Shankland: }

Being inform'd the Gov^r had issued his Writs to call the Assembly of the Lower Counties to meet him at Dover, it is believ'd that Some Extraordinary Matters will be attempted, Especially when We consider in what manner Sr Wm. was pleased to part with you at Newcastle, & the Season of ye Year, which so much requires every Countryman to be at home about his own business.

* See Colonial Records, vol. iii. p. 369.

It was thought convenient to Print the Assembly's first Address to the Gov^r soon after his Arrival, which was then Exhibitted upon Occation of an Attempt made at home upon our Possessions and Properties in those Counties which was Set forth in his first Speech to that Assembly.

I have Sent down by the bearer, Rich^d Richardson, 30 of those Prints to be delivered to thee for the use of Such persons in Sussex as thou may'st think fit. Those Prints contain the State of the Counties at that time, and We know of no Alteration in ye Property, tho' we expect a new Gov^r for the Province & Counties every day; upon whose Arrival I hope to communicate to thee Some good news relating to the further Grant of Lands and other things concerning the affairs of Property. I have also Sent by the Same Hand the proceedings of our Assembly here, which I hope will be of Service to your house.

I am, &c.

J. S.*

LETTER GOV. KEITH TO ASSEMBLY—DEPARTURE, 1726.

To the People's Representatives in Assembly for the County of Philadelphia.

Respected Friends:

Some Business of Importance having called me suddenly to Great Britain, whereby I cannot hope any more this Year for the Satisfaction of Attending with you upon the Country's Service;

I could do no less than give you this Notice, and in Justice to the Country, furnish you with an Opportunity of Applying to the House in order to obtain the Speaker's Direction to Cause a new Writ to be issued for Electing some other person in my Room, which by this Accident is now Vacant.

I am with esteem, Gentlemen,

Your faithful Friend and humble Serv^t,

W. KEITH.†

H. NEWCASTLE TO GOV. GORDON, 1726.

WHITEHALL, June 13th, 1726.

Sir:

Application having been made to His Mat^y by the Swedish Envoy here, in the King his Master's name, that the Children of Lieut Col^o Isaac Baner, who died in Pensilvania, may be sent to their Unkle in Sweden for their Education; The King being desirous, so far as in Him lyes to comply with this Request of His Swedish Maj^{ty}, and to

* See Colon. Rec. vol. iii. p. 274.

† Govr. Gordon arrived June 22, 1726, W. K. then present. See Colon. Records, vol. iii. p. 265, also p. 566.

shew favour to a Family of considerable Rank in their own Country, has commanded me to signify to you His pleasure, that so far as may be consistent with Law, Justice and Reason, you promote their being brought over hither, and put into the hands of the said Envoy, who will satisfy any Expense that may be laid out upon this account. I send you for your further Information of this Case a Translation of a Letter from their Unkle to the Envoy; and I shall acknowledge as a favour any good offices you shall be pleased to do in this affair.

I am, Sir,

Your most humble Serv^t,

HOLLIS NEWCASTLE.

Direction.

"To Patrick Gerdon, Esq. Dep. Gov^r. of his

"Majesty's Province of Penn^a in America, Pennsylvania,
Hollis, New Castle."

PROCLAMATION GOV. GORDON ON ASSUMING GOVT. 1726.

PENNSYLVANIA SS.

By the Hon^{ble} PATRICK GORDON, Esquire, Lieutenant Governour of the Province of Pensylvania & Counties of New Castle, Kent, & Sussex upon Delaware.

A PROCLAMATION.

FOR AS MUCH AS the Hon^{ble} Springett Penn Esq^r Grandson & Heir at Law of William Penn Esq^r deceased, true and absolute Proprietary & Governour in Chief of the Province of Pensylvania & Counties of New Castle, Kent, & Sussex upon Delaware, (by & with the Advice and Consent of Mrs. Hannah Penn, Widdow, Reliet, & Executrix of the s^d William Penn,) Hath thought fit by his Commission under his Hand & Great Seal bearing Date the seventh day of January last past to Constitute & appoint me to be his Lieutenant Governour of the said Province & Counties with all necessary Powers & Authority for the well governing of the same, Which said Appointment the Kings most excellent Majesty in a Council held at St. James, the eighteenth day of April last past was graciously pleased to Allow & Approve of, Therefore, in pursuance of the said Trust in me reposed Having a special Regard for the safety of the State & Government of the s^d Province & Counties and to prevent failures in the administration of Justice therein, I have by & with the Advice & Consent of the Council of the said Province & Counties thought fit to Ordain and do hereby Ordain & Declare That all Orders & Commissions whatsoever heretofore issued by the said Proprietary relating to the Government of the said Province & Counties or by the Honourable Sir William Keith Bar^t late Lieutenant Governor of the said Province & Counties Which were in force on the twenty second day of this instant June shall be, continue, & remain in full Force Power

& Virtue, according to their respective Tenors, untill my further pleasure shall be known therein And that all persons whatsoever who on the said twenty second day of June instant held or enjoyed any Office of Trust or Proffit in this Government by virtue of any such Commission as aforesaid, shall continue to Hold & Enjoy the same untill they be determined by me as aforesaid or by other sufficient Authority. And I do further hereby Command & Require all Magistrates

Commissioners in whom any publick Trust is reposed in this Government that they diligently proceed in the Performance & Discharge of their respective Duties therein, for the Safety, Peace, & Well being of the same. Given under my hand and Great Seal of this Government at Philadelphia the Twenty fourth day of June in the Twelfth year of the Reign of our Sovereign Lord George King of Great Britain &c. Annoq Domini, 1726.

P. GORDON.*

GOD SAVE THE KING.

Recorded in the Rolls Office at Philadelphia in }
Patent Book A Vol. 6 Page 21 &c. The Twenty }
fourth Day of June Anno Domini One thousand }
Seven Hundred & twenty six. }

¶ Me

CHA. BROCKDEN, M. R. D.

KING & COUNCIL REPEAL OF LAWS, 1726.

At the Court at Kensington the 5th day of July 1726.

[L. S.]

PRESENT.

The King's Most Excellent Majesty.

Lord Arch Bishop	}	Lord Steward,
of Canterbury,		Duke of Queensberry
Lord Chancellor		Earl of Sutherland,
Lord Arch Bishop	}	Earl of Ilay,
of York,		Lord Viscount Townshend,
Lord President,		Lord Bishop of London,
Lord Privy Seale,		Lieut Gen ^l of ye Ordnance,

Henry Pelham Esq^r

WHEREAS his Majesty was pleased upon the 31st of May last to referr unto the Consideration of the Lords of the Committee of the Privy Council, an Act past in Pennsylvania the 30th of March 1723, together with a Representation thereupon from the Lords Commissioners for Trade and Plantations proposing the Repeale of the said Act, Instituted as follows, Viz.

An Act directing the Process of Sumons against Freeholders.

And the Lords of the Committee having Reported as their opinion to his Majesty that the said Act ought to be repealed, HIS MAJESTY in Council this day took the same into Consideration; And pursuant

* See Col. Rec. Vol. III. p.

to the Powers reserved to his Majesty in the Charter of Propriety granted to William Penn Esq^r. Is pleased to Declare his Disallowance of the said Act, and according to his Majesty's Pleasure thereupon exprest, the said Act is hereby Repealed, Declared void and of none Effect, Whereof the Deputy Governor, Council, and Assembly of the said Province, and all others whom it may Concern, are to take notice and Govern themselves accordingly.

TEMPLE STANYAN.

SOCIETY FOR PROPAGATION OF THE GOSPEL, TO GOV.—
APPOINTMENT OF MR. CAMPBELL, 1727.

LONDON, August 25th 1726.

HON^{BLE} SR

The Society for the Propagation of the Gospel in Foreign parts have upon the request made to them by the Church Wardens and Vestry of Apoqueneminck in your Honours Government dated July 19th 1725 appointed the Rev^d Mr. Campbell* a Gentleman sufficiently recommended to them, to be their Missionary and the Minister of the Church at Apoqueneminck. The Society therefore not doubting of your Honours ready concurrence to promote the Interest of the Christian Religion and true Virtue in your Government do heartily recommend to your favour the said Mr Campbell, requesting you would give him your countenance and Protection, that he may be the better able to discharge his Ministerial office, and they hope he will by his dutifull and respectfull demeanour to your Honour endeavour to deserve such favour.

I am Honourable Sr

Your Most Obedient & humble Servant

DAVID HUMPHREYS.

Secretary.

Direction.

"To The Honourable Alexander Gordon Esq^r
"Governor of Pensilvania in America."

COMPLAINT AGAINST A MAGISTRATE, 1726.

To the Honourable PATRICK GORDON, Esq^r., Governour of the Province of Pensilvania, And by the King's Royal Approbation Governour of the Counties of New Castle, Kent and Sussex upon Delaware.

THE PETITION OF ALEXANDER MOLLISTON

Most humbly Sheweth,

WHEREAS your Petitioner begs Leave to represent to your Honour a Difference that did arise, together with the Judicial Proceedings thereon, (under the Administracon of S^r William Keith, our late Govern^r.) that hapned between William Till, Esq^{..}, and your Peti-

* According to the indorsement, this gent^{'s} name is Alexander; applied to the Gov^r, it is of course a misnomer.

tioner; the Sum of the Difference, so far as I can impartially remember, is briefly thus:

First. Your Petitioner having a Sute Depending in the County Court for Sussex, Judgment pass'd against your Petitioner, Execution immediately by my Antagonist was threatned. William Till, Esq., owing your Petitioner a small Debt on Account, going out of Town, your Petitioner went to said Till being on Horse back and calling him aside, asked him for the Debt, he replied that if I would prove my Account he would pay it, and turned about & called to Simon Kolluck, Esq., standing some Distance off, and desired Mr. Kolluck to answer so much on his Accot to your Petitioner, which the s^d Mr. Kolluck promised to do. William Till further proceeded and asked y^r Petion^r what Day of the Month it was, y^r petitioner said, the Seventh, then replied Mr. Till, You must come to me for Licence, or I will demolish your House. Your Petitioner made Answer that he would not go to the said Till for Licence, but go to his Master, then William Till called y^r Petitioner Rogue and Rascal, with other Abuses, and threatned to put y^r Petitioner in the Stocks, Your Petitioner bid him do if he dared, and further said, that he was neither Rogue nor Rascal any more than William Till, but was as honest a Man as himself, and so esteemed among my Neighbours. Then William Till called the Constable standing by, and commanded the Constable to put your Petitioner in the Stocks, the Constable at the first not willing to answer his Command. Then William Till again called the Constable, and said, damn you, Dog, do your Office or I will commit you, then the Constable followed your Petitioner as he was a going home, and put your Petitioner in the Stocks, who there remained during the Pleasure of the said William Till.

Which Punishment, together with the Infamy thereof, y^r Petitioner (with humble Submission) doth conceive would have been a sufficient Attonement for such an Offence, considering the Cause thereof did arise from a Difference in their own private Affair; altho' whatever Words might fall or escape from your Petitioners Lips, was caused by the rash Expressions and threatning Words of the said William Till, without any Design or Affront to the person of the said Till, or the Commission that he bears, or any disregard or Contempt in the least to ye Authority of our Sovereign Lord the King. But yet the Punishment of your Petitioner for the aforesaid Offence did not cease there; but in a short Time afterwards the said William Till came into Town and bound over your Petitioner by Recognizance to his good Behaviour, without the Concurrence of any other Justice of the Peace, and when I demanded a Copy of the said Recognizance, put it into his Pocket, refusing either a Sight or a Copy of it,—and then y^r Petition^r desired of the said William Till a Licence, but he would not grant it to y^r Petitioner.

2d. And then contrary to an Act of Assembly of this Government, made against such as shall speak in Derogation of Courts, write or speak slightlying of any Magistrate in the Duty of his Office,

which provides that such Offendors shall be fined Fifty Shillings; On which said Act of Assembly, afterwards (To wit) on the 3d Day of November, in the Year of our Lord 1724, at a Court of Quarter Sessions of our Lord the King, held at Lewis Town, before the Justices of our Lord the King, an Information was exhibited in the said Term by Francis Allen, especially appointed by the Justices aforesaid for that purpose to prosecute for our Lord the King, as by a Copy of the said Information duly certified may appear, On which Information it was so far proceeded, that your Petitioner was forced to plead thereto, and was destitute of Council, and could not get a Lawyer or Council to speak in your Petitioners Behalf, and also threatned that if an Attorney should presume to appear in Behalf of your Petitioner, he should be thrown over the Barr; whereon a Verdict of 12 Men did pass against your Petitioner, and by the Justices aforesaid was fined in the Sum of Twenty Pounds; and your Petitioner still being bound afresh finding good Security for his Good Behaviour, And tho' then your Petitioner for the aforesaid Time was not immediately committed to close Prison, yet was desired by the Sheriff not to go any great Distance out of the County, but first acquaint him wth it, and in this Circumstance y^r Petitioner remained for the Space of about Nine Months, and then the aforesaid Fine was levied by Execution on the House that y^r Petitioner lived in; (As by a Transcript of the Records of the Proceedings thereof may also appear,) to the most grievous Hurt and Damage of Your Petitioner; Contrary to the aforesaid Act of Assembly, Your Petitioner was forced to plead to an Information illegally exhibited, and for an Offence which requires no such Proceeding, being not an Offence against the Government, but only for a few Words in Passion, for which the Law makes another Provision by binding the Party to his good Behaviour. So that y^r Petitioner was utterly depriv'd of his then Calling and ever since in that Capacity disabled in getting of his & his Family's Bread. And your Petitioner doth further beg your Honours Patience, to lay before your Honours another Grievance of your Petitioner, which is thus: On the first Day of January, in the Year 1724, in the Absence of your Petitioner, the aforesaid William Till (by a pretext of a purchase which he said he made of three Bushels of Salt from one Abraham Depister, lodged in your Petitioners Custody, and promised by ye Petitioners Wife to be delivered to the said William Till,) did obtain a Warrant from Samuel Rowland, Esq., one of his Majesty's Justices of the Peace for the County of Sussex aforesaid, By Virtue of said Warrant y^r Petitioners Wife was brought before the said Samuel Rowland to answer the Premises, and Judgment was obtained against your Petitioners Wife without any Proof, altho' your Petitioners Wife offered to swear, and bring Evidence to prove, that she had not one Bushel of Salt of the said Abraham Depister's in her Custody; Yet notwithstanding, the Evidence was denied and rejected and Execution granted, by Virtue whereof the Constable, with severall raised Men, in his Majestys

Name, were ordered (with audible Voice) to break open the Doors of your Petitioners House; On the hearing of this, your Petitioners Family opened the Doors, and the Constable, with the raised Men aforesaid, opened the Cellar Door, after that he was forewarned, and there did bear away three Bushels of Salt, with four & Six Pence Cost of y^r Petitioners Goods for the Use of the said William Till was extorted and taken away from y^r Petitioners Wife, When in Truth and in Fact no such Salt was lodged in y^r Petitioners Custody on that Account, nor did your Petitioners Wife make any such Promise.

And, now, since your Honours happy Arrival to this Government, y^r Petitioner made Application to the Court (for a Recommendation to y^r Honour in Order to obtain a Licence from y^r Honour) which hapned in the Absence of William Till, Esq., the Court would not grant the aforesaid Favour without the Concurrence of William Till, the said Justices producing this Reason, that they were certainly informed by William Till that the s^d William Till did Affirm to the Court aforesaid that he had received particular Instructions from y^r Honour that if I did not make my Application to the s^d William Till, and get him to sign my Recommendation that y^r Honour had promised him that y^r Petitioner never should have any Licence; Altho' his Majestys Justices did say they had nothing to alledge against me.

And tho' I have not enumerated all the Calamitys and Hardships that y^r Petitioner has sustained and laboured under in the Course of the abovesaid Proceeding, y^r Petitioner fearing to be too tedious, and that I have already trespassed on y^r Honours Patience, shall leave it, And humbly desire y^r Honour would be graciously pleas'd to take these things into y^r Honours Consideration & give me some Relief, as your Honour in y^r Wisdom shall judge meet. And y^r Petitioner as in Duty bound Shall ever pray, &c.

ALEXANDER MOLSTON.

Indorsed—"Petition A. Molston & Letter Ja. Steele, referr'd to in Minute of Sep^r 23d, 1726."

[See Colonial Records, Vol. III., p. 273, 274, & 284.]

ROBERT BYNG TO GOV. GORDON, 1726.

TREASURY OFFICE FOR THE NAVY, }
Octobr 28th, 1726.

Sir :

Though I had once the favour of Speaking with you before you left London, Yet your Stay in Town after it was so Short that I had no opportunity to discourse with you on those affairs which relate to the Admiralty, for which I am concerned, I then intended, Sir, to beg your Assistance to the Gentleman I should appoint Agent for taking Care of the Rights and Perquisites of Admiralty, And having lately deputed Mr. Isaac Miranda, who will have the Honour

to wait on you with this, to receive such Droits belonging to the Lord High Admiral, as may happen within your Government, I hope you will assist him in the Execution or his Employment. What has encouraged me to make this request is, Sir, my knowing it is His Majestys Intentions that He may meet with all Countenance Possible from all Vice Admirals of the Colonies and Plantations abroad, and all other his Officers and Ministers whatsoever, as you, Sir may perceive both by the Comission and Instructions the King has Honoured me with, Countersign'd by the Lords of the Treasury; after acquainting you that the Lords Comissioners of the Admiralty have Likewise empowered me to take Care of these affairs, shall trouble you no longer than to add that if, Sir, he has the Happyness to deserve your favour, it will be a great Pleasure to

Sir, Your most Obedient and most Humble Servant,
ROBERT BYNG.

PATRICK GORDON, Esqr.

Directed.—"On His Maj^{ty}s Service.

"To Patrick Gordon, Esqr.,

"These."

COMM'RS OF CUSTOMS TO GOV. APPOINTING COLLECTOR, 1727.

SIR.

Having by the inclosed letter to Mr Fitzwilliam, Surveyor General of the South Part of the Continent of America, acquainted him, that we have issued forth a New Deputation to Mr. John Moore, Collector of the Customs at Philadelphia in your Government, and directed him to take care that the Bond inclosed therein be executed before proper Witnesses and return'd to us. We desire in case Mr. Fitzwilliam is absent in the other Parts of his Survey, that you will please to give directions that the said Bond be accordingly executed before proper Witnesses and forwarded to Mr. Fitzwilliam, together with his letter in order to be returned to us.

We are, Sir,

Your most humble Serv^{ts}.

Custom H^o. London,
24 January, 1727.

T. WALKER,
WALTER YONGE
H. EVELYN
B. FAIRFAX.

Govern^r of Pensilvania.

Directed.—"On His Majestys Especial Service"

"To His Excellency"

"The Governour and Comander in
"chief of His Majestys Province of
"Pensilvania."

COMMISS'RS OF CUSTOMS, APPOINT'T OF COLLECT'RS 1727.

SIR.

Having by the inclosed letter to Rich^d Fitzwilliam, Esq^r, Surveyor Gen^l of the Southern part of the Continent of America, acquainted him that we have issued forth a new Deputation to M^r Henry Brooke, Coll^r of Lewis in Pensilvania, and directed him to take care that the inclosed Bond be executed before proper Witnesses and returned to us.—We desire in case M^r Fitzwilliam is absent in the other parts of his Survey, that you will please to give directions that the said Bond be accordingly executed before proper Witnesses and forwarded to M^r Fitzwilliam together with his letter in order to be returned by him to us.

We are

Sir

Custom H^c London,
19 March, 1727.

Your most humble Serv^{ts}

B FAIRFAX
WALTER YONGE
J SHAPLEY
JO EVELYN.

Patrick Gordon, Esq^r, Govern^r of Pensilv^a.

Directed,

“On His Majestys Especial Service.”

“To

“His Excellency

“Patrick Gordon, Esq^r, Lieuten^t

“Governour & Comander in chief of His

“Majestys Province of

Pensilvania.

Endorsed.—“Comm^{rs} of Customs w^t a new Deputation for M^r Brooke.

INSTRUCTIONS TO PROPRIETARIES ON APPEALS, 1726-7.

ADDITIONAL INSTRUCTION to Our Trusty and Welbeloved, Springett Penn, Esq^r and Hannah Penn, Widow, Proprietors and Governors of Our Province of Pensylvania, in America, or to the Governor, Deputy Governor or Commander in Chief of Our said Province for the time being. GIVEN at Our Court at St. James's the Twenty Third Day of March, 1726-7. In the Thirteenth Year of Our Reign.

GEORGE R.

WHEREAS upon Appeals which have been made to Us in Our Privy Council in Cases of Error from the Courts in Several of Our Colonys and Plantations in America, in Civil Causes, great Inconveniencies have frequently arisen by the immediate issuing of Executions, notwithstanding Such Appeal unto Us, where the appellee has become insolvent, or hath withdrawn himself and his Effects

from such Colony or Plantation before Our Pleasure could be known on Such Appeal, And Our Orders for reversing the Orders and Decrees Appealed from, and for making Restitution of the Estates or Effects which have been so levy'd in Execution, have been rendered ineffectual, and the Appellant left without any Redress; Now for preventing the like mischief for the future. It is Our Will and Pleasure, that Execution be Suspended untill the final Determination of Such Appeal, unless good and sufficient Security be given by the Appellee to make ample Restitution of all that the Appellant shall have lost by means of Such Judgment or Decree, in case upon the Determination of Such Appeal, Such Decree, or Judgement should be reversed, and Restitution awarded to the Appellant.

G. R.

Entered in the Rolls Office at Philadelphia, The tenth day of July, A^c. Dⁱ. One thousand Seven hundred and twenty Seven in Patent Booke, A Vol. 6, page 37, &c.

CHA. BROCKDEN, M. Pr., Dibra.

Additional Instruction to Springett Penn, Esq^r. and Hannah Penn, Widow, Prioretors and Governors of Pensilvania.

Touching Appeals. March 23^d 1726--7.

LETTER—MICAHAH PERRY ON BILLS OF CREDIT AND SALT BILL 1727.

London the 7th of April, 1727.

Mess^{rs} Rawle, Kearsley, Tresse, and Horne,

Gent^r Since my last wrote you under the 21st Ult^o I have now to acquaint you with the agreeable news of the Salt Bill having passed the Royal assent. Instead of the Charge being £140, or thereabouts; I find it will not be less than 200 Guineas; which must be paid Immediately, the account whereof shall be remitted you by the first Oppertunity: I must desire y^r care in making remittances out of hand for my Reimburse^{ts}. I here send you Inclosed a printed Copy of the Bill, for your perusal, which, with hearty Salutes is all that at present offers from,

Copy.

P. S. I should be glad to Negotiate any of y^r affairs or those of y^r fr^{ds} in this part of the world.

LONDON, June 1st 1727.

Gent^r Inclosed is ye particulars of the Charges in Solliciting ye Salt Affair in Parliament w^{ch} is more Chargeable than I expected it is what I have paid out my pocket without having a farthing for my Trouble, there is no doing Business there without Money, I make no question but you will procure me ye-overplus by the return of the Ships, as to ye affair of the paper Currency I very much des-

pair of success, the Lords of Trade being very averse to things of that Nature, I shall do you all the service in my Power and am,

S^{rs} y^r very humble Serv^t
MICAIAH PERRY.*

Vera Copia.

✂ JOHN ROBERTS, Cler. Syn.

RESOLVE OF H. R. ON INDIAN EXPENSES.

Aprill the 29, 1727.

The House took into Consideration again the Demands of Silas Prior and Ezekiel Harlan, for defraying the Charge of their Attendance upon the Indians of Brandywine Creek: And altho' the House are of opinion that the Account exhibited by those men seems to be extravagant in many particulars, and that whatsoever appears to be justly due on that and the like services ought in all justice and Equity to be discharged and paid by the Proprietor or his Agents of Property, yet the House having a due Regard to the Preservation of the publick peace of this Province, and to the quieting the minds of the Inhabitants near the said Brandywine Creek, from the apprehensions they seem to have of the present uneasiness amongst their Indian neighbours, they are willing to gratify the said Silas Prior & Ezekiel Harlan with a reasonable allowance for their attendance aforesaid, and to that end the House does refer the said Parties unto the Governour and his Council, That as it has been usual on all other occasions where expenses have accrued by means of the Indians, it may be certified to this House what sum that Board shall judge to be equal unto and sufficient for the service performed.

But that this Condescension may not hereafter be brought into precedent, the House have thought fit to come to the following resolution, Viz.

Resolved, That this House highly disapproves the practice of Persons taking upon them without Authority to attend as Interpreters upon any Indians coming down to the City of Philadelphia on any pretences whatsoever, And that this House will at no time hereafter think it incumbent on them to defray any charge of treating with the Indians, nor so much as to receive or consider any such Demand unless it be Certified as usual by the Governour and Council to be justly due from the Province.

Resolved, N. C. D. :—

That a Copy of the above Minute be delivered by the Clerk to the Governours Secretary in Order to be laid before the Governour in Council at their next Meeting.

Vera Copia

✂ N. L. LEECH, Clr. Syn.†

* See Colon. Records, Vol. III. p. 401.

† Ibid, 406.

COMMISSIONERS OF CUSTOMS TO GOVERNOR.—APPOINTMENT
OF COLLECTOR, 1727.

SIR :

Having by the inclosed letter to Mr Fitzwilliam Survey^r Gen^l of the Southern District on the Continent of America acquainted him that we have issued our Deputation to W^m Bully to be Comptroler of the Customs at Philadelphia in the room of Will^m Alexander dec'd and directed him to give orders that the said Bully be admitted into the said Office upon executing the Bond inclosed therein. We desire in case Mr Fitzwilliam is absent in the other parts of his Survey that you will please to give directions, upon the said Bully's executing the Bond, that he be admitted to his Duty and that you will please to grant a Certificate thereof and that the letter & Bond when executed be forwarded to Mr Fitzwilliam.

We are Sir,

Your most humble Serv^{ts},Customh^e London, 4 May, 1727.

H. EVELYN,
ROBT. BAYLIS,
T. WALKER,
WALTER YONGE.

Lieut^t Govern^r of Pensilv^a.*Indorsed.*

Comm^{rs} of Customs notifying Mr Bully's Appointm^t to be Compt^r at Philad^a, May 4th 1727.

Directed—To His Excellency Patrick Gordon Esq^r Lieutenant Govern^r and Commander in chief of His Majesty's Province of Pensilvania.

DEATH OF KING GEORGE—ACCESSION OF GEORGE II. 1727.

After Our hearty Commendations. It having pleased Almighty God to take to his Mercy out of this troublesome life, Our late Sovereign Lord King George of Blessed Memory, And thereupon his Royal Majesty King George the second being here Proclaimed, We have thought fitt to Signify the same unto You, with Directions, that you do with the Assistance of the Council and other Principal Planters and Inhabitants of the Province of Pensilvania, forthwith Proclaim his most Sacred Majesty King George the Second according to the Form here enclosed with the Solemnities and Ceremonies requisite on the like Occasions; And so not doubting of your ready Compliance herein, We bid you heartily farewell. From the Council Chamber at Whitehall the 24th day of June 1727.

Your Loving Friends,

KING G.,
TREVOR C. P. S.,
HOLLES. NEWCASTLE,
GODOLPHIN,

TOWNSHEND,
CARTERET,
S. COMPTON,
WALPOLE.

To Our Loving Friend Patrick Gordon Esq.,
Lieutenant Gov^r of Pensilvania.

P. S.—You are likewise to Publish and Proclaim the enclosed Proclamation for continuing Persons being in Office, at the Decease of the late King with the usual Solemnitys.

FORM OF PROCLAMATION OF GEORGE II. 1727.*

Whereas it hath pleased Almighty God, to call to his Mercy our late Sovereign Lord King George of Blessed Memory, by whose Decease the Imperial Crown of Great Britain France & Ireland, as also the Supreme Dominion and Sovereign Right of the Province of Pennsylvania, & all other his late Majesty's Dominions in America are Solely and Rightfully come to the High and Mighty Prince, George, Prince of Wales; We therefore the Lieutenant Governor & Council with Numbers of the Principal Planters and Inhabitants of this Province do now hereby with one full Voice and Consent of Tongue & Heart, Publish & Proclaim, that the High & Mighty Prince George, Prince of Wales, is now by the Death of Our late Sovereign of Happy Memory, become our only lawfull & rightfull Liege Lord George the Second by the Grace of God King of Great Britain, France & Ireland, Defender of the Faith, Supreme Lord of the said Province of Pennsylvania, and all other his late Maj^{ty}s Territories & Dominions in America, to whom We do acknowledge all Faith and constant Obedience with all hearty and humble Affection, beseeching God, by whom Kings and Queens do reign, to bless the Royall King George the Second with long and happy years to reign over us. Given at

God save the King.

Indorsed :

Orders from the Privy Council to proclaim his Majesty K. G. y^e 2^d w^h a Proclamaⁿ for continuing all Officers &c., 24th June 1727.

Directed :

On his Majesty's Special Service.

To our Loving Friend Patrick Gordon Esq^r,

Lieu^t Governor of the Province of Pennsylvania,

or to the Lieutenant Governor or Commander in Chief
for the time being, of the Province

Pennsylvania.

PROCLAMATION TO CONTINUE OFFICERS, 1727.

By the King A Proclamation, Requiring all Persons, being in Office of Authority or Government at the Decease of the late King, to proceed in the Execution of their Respective Offices.

GEORGE R. :

Whereas by an Act made in the Sixth Year of the Reign of her

* See Col. Records Vol III. p. 297-8. King Geo. II was proclaimed here Aug. 31, 1727.

late Majesty Queen Anne, entitled, An Act for the security of her Majesty's Person and Government, and of the succession to the Crown of Great Britain in the Protestant Line, it Was Enacted, That no Office, Place, or Employment, civil or military, Within the Kingdoms of Great Britain or Ireland, Dominion of Wales, Town of Berwick upon Tweed, Isles of Jersey, Guernsey, Alderney, and Sark, or any of Her Majesty's Plantations, should become void by reason of the Demise of Her said late Majesty, her heirs or successors, King or Queens of this Realm; but that every person and persons in any of the Offices, Places, and Employments aforesaid, should continue in their respective Offices, Places, and Employments, for the space of six months next after such Death or Demise, unless sooner removed or discharged by the next successor, to whom the Imperial Crown of this Realm was limited and appointed to go, remain, and descend; and that all Officers in any Offices, Places, or Employments, Who should be by that Act continued, should take the Oaths therein mentioned, and do all other acts requisite by the Laws and Statutes of this Realm, to qualify themselves to be and continue in such their respective Places, Offices, and Employments, within such Time, and in such manner, and under such Pains, Penalties, and Disabilities, as they should or ought to do, had they been newly elected, appointed, constituted, and put into such Offices, Places, or Employments, in the usual and ordinary way: We therefore, with the Advice of our Privy Council, declare Our Royal Will and Pleasure to be, and do hereby direct and command, That all persons, who, at the Time of the Demise of our Late Royal Father, of Glorious Memory, Were duly and lawfully possessed of, or invested in any Office, Place, or Employment, civil or military, within our Kingdom of Great Britain or Ireland, Dominion of Wales, Town of Berwick upon Tweed, Isles of Jersey, Guernsey, Alderney, or Sark, or any of our Plantations, do, with the first Opportunity, take the respective Oaths of Office, and all other Oaths, as required by the said Act, and in the mean time do not fail every one severally, according to his Place, Office, or Charge, to proceed in the performance and execution of all Duties belonging to their respective Offices. And We do hereby require and command all our subjects to be aiding, helping, and assisting, at the Commandment of the said Officers and Ministers, in the performance and execution of their respective Offices and Places, as they and every of them tender our utmost Displeasure, and will answer the contrary at their perils.

Given at Our Court at Leicester House, the Sixteenth Day of June, 1727, in the First Year of Our Reign.

God save the King.*

* See Col. Rec. Vol. III, 298. From the original hand-bill in black letter.

LORDS OF TRADE AND PLANTATION TO GOVR.—PROCLN. OF
KING GEO. II., 1727.

WHITEHALL, June 26th, 1727.

Sir :

Inclosed you will receive an Order from the Lords of His Majesty's most Honourable Privy Council, Notifying to you, the Death of Our late Gracious Sovereign Lord, King George, of Ever blessed Memory, and Directing you to Proclaim the High & Mighty Prince, George Prince of Wales, King of Great Britain, France and Ireland, and of all the Dominions thereunto belonging, &c., Defender of the Faith, &c., We do earnestly recommend to you, that you proceed without loss of Time, in the Execution of these Orders, and that His Majesty be accordingly proclaimed in the most Solemn Manner, and most proper Parts of your Government, and you are to return a Speedy Account of your Proceedings herein.

And for your further information, We likewise enclose to You His Majesty's Proclamation for continuing all Officers in the manner therein mentioned. So We bid You heartily farewell, and are

Your very loving Friends,
and humble Servants.

P. DOMINIQUE,
EDW. ASHE,
T. PELHAM,
R. PLUMER,
J. W. BLADEN.*

Pennsylvania—
Patrick Gordon, Esqr.

INSTRUCTIONS TO PROCLAIM OFFICERS, 1727.

WHITEHALL, July 11th, 1727.

Sir :

His Majesty having been pleased to issue a Proclamation for continuing all Officers in the Plantations in their respective places, 'till His Majesty's further pleasure shall be known, We take this opportunity of Sending you the Same inclosed, that you may cause the same to be made publick within the Province under your Government. So We bid you heartily farewell, and are

Your very loving Friends
and humble Servants,

J. CHETWYNE,
R. PLUMER,
T. PELHAM,
J. W. BLADEN.*

Mr. Gordon

* See Colonial Records, vol. iii. p. 298.

THE PROPRIETARIES TO THEIR TRUSTEES, 1727.

LONDON, August 17, 1727.

Loving Friends,

Richard Hill, Isaac Norris, Samuel Preston & James Logan :

Our long depending Suit in the Exchequer is at last determined with respect to the Propriety of the Province &c., the Court having Established our Father's Will; but in relation to the powers of Govern^{mt} the Barons would not take upon them to decide any thing 'till the Attorney General should have orders to answer whether his Majesty would be pleased to insist on the performance of the Contract made with the late Queen, or quit it; but this wee have not yet, by all the sollicitation wee could make, been able to obtain; but hope we may get it against the next Term; however you are now legally Authorized to execute the Trust you are invested with by the Will, (a Probat whereof you have with you,) and if we can possibly get out a decree of the Court before this Ship departs, it shal come herewith, if not, you may expect it by the next, together with an Instrument executed by us, to signify our concurrence & Approbation of your acting pursuant to the directions of the Will.

We shall always be very sencible of the obligations wee lye under to you for the pains and trouble you have and will be at in managing this affair, and shal be glad of any oppertunity to acknowledge your ffriendship therein. We are

Your very much obliged Friends,

JOHN PENN,

THO. PENN

2d Aug^t, 1727.

 PETITION OF MERCHANTS OF PHILADA. TO Gov., 1727.

To the Honourable Patrick Gordon, Esq^r., Governour of ye Province of Pensylvania.

The Petition of divers Merch^{ts} In this City of Philadelphia Humbly Sheweth :

That your Petitioners are Informed the Act for Ascertainning the Size of beef & Pork bar^{rs} is laid before your Honour for Concurrence.

Being also given to understand that in said Act the guage is proposed at thirty gallons; & the Officers fees for repacking, pickling, &c., Eighteen pence, which we humbly Conceive may prove a detriment to your petitioners, and a Disreputation to the province abroad; seeing that in the Neighbouring Colonies the guage of bar^{rs} is by their Acts, thirty-one & half a gallon; & by an Act of this province heretofore past, the same; with this Difference as to the Officers fees, that he shall have for repacking, pickling, &c., nine pence: which is but the half of what is allowed by this Act.

Wherefore we humbly pray that your Honour with the Concurrence of the Hon^{ble} the Representatives will be pleased to make such alterations & provisions in the said Act, as may be agreeable to the

Usage & Customs intended by the former Act of this Province, and the practices of our said Neighbouring Colonies. And your Petitioners shall ever Pray.

Tho. Lawrence,
Geo : McAll,
White & Taylor,
Tho : Willing,
Alexander Wooddrop
Peter Lloyd.

Isaac Norris, junr.
Thos : Sober,
Peter Baynton,
Wm. Attwood,
James Tuthill,

[See Colonial Records, vol. iii., p. 293, 294.]

PROCLAMATION AND SUBMISSION IN THE TERRITORIES, 1727.

WHEREAS, it hath pleased Almighty God to call to his mercy Our late Sovereign Lord, King George of blessed Memory, By whose Decease the Imperial Crowns of Great Britain, France & Ireland, as also the Supreme Dominion and Sovereign Right of the Counties of New Castle, Kent & Sussex upon Delaware, and Province of Pensilvania, and all other his late Majestie's Territories & Dominions in America, are solely and rightfully come to the high & Mighty Prince George, Prince of Wales : We therefore, the Lieutenant Governour, Magistrates, and divers other Gentlemen, Inhabitants of the said Counties upon Delaware, Do now hereby, with one full Voice and Consent of Tongue and Heart, Publish and Proclaim, that the High and Mighty Prince George, Prince of Wales, is now, by the Death of our late Sovereign of Happy Memory, become our only lawfull and Rightfull Liege Lord George the Second, by the Grace of God, King of Great Britain, France & Ireland, Defender of the Faith, Supreme Lord of the Counties of New Castle, Kent & Sussex upon Delaware, & Province of Pensilvania, and all other his late Majesty's Territories and Dominions in America, &c. To whom we do acknowledge all Faith & constant Obedience, with all humble & hearty Affection Beseeching God by whom Kings & Queens do Reign, to bless the Royal King George the Second with long and happy Years to Reign over us.

God save King George the Second. P. GORDON.

MOR : MORGAN,
ENOCH MORGAN,
JOS. HILL,
ELISHA THOMAS,
REES JONES,
THOMAS DAVID,
DAVID FRENCH,
JOHN FRENCH,
GEO. ROSS,
ROBT. SPARKS,
REES JONES,
JAMES SYKES,
HENRY NEWTON,
JOHN VN. GEZELL,
HUGH STEVENSON,

JOHN HOVE,
SAMUEL GRIFFITH,
BENJ. BURLEIGH,
WM. GODDARDS,
P. GORDON,
ROBT. GORDON,
RICHD. GRAFTON,
JNO. RICHARDSON,
CHARLES SPRINGER,
THOMAS JANVIER,
W. READ,
JAMES ARMITAGE,
JAMES JAMES, JUN.,
SAML. SHENNAN,
JER. SHENNAN,

Indorsed—"Proclamation of King George the Second, at New Castle upon Delaware, 4th September, 1727."

[See Colonial Records, vol. iii., p. 298 and 308.]

ADMIRALTY TO GOV. ON OPPOSITION TO THE JUDGE, 1727.

ADM'TY OFFICE, 14th October, 1727.

Sir :

I have rec^d your Letter of the 7th of July last, relating to the Proceedings of the Judge of the Vice Admiralty of Pensilvania, with the several Papers enclosed in the said Letter. The Judge hath likewise transmitted to this Office a long Letter, with many Papers relating to the said Proceedings and the Interruptions he hath met with from you in the Execution of his Office, all which Papers, as well from you as the Judge, my Lords Commiss^{rs} of the Adm'ty will take under their consideration as soon as may be. I am,

Sir,

Your most humble Servant,

J. BURCHELL.

Patrick Gordon, Esq^r., Gov^r of Pensilvania, at Philadelphia.

GEO. ASTON TO GOV. RESPECTING INDIANS, 1727.

CALN, ye 3d of ye 9ber, 1727.

May it Please ye Governour :

These may Certify that on ye 16th day of July last, 1727, Richard Thomas, of ye township of whiteland, Came before me and did Declare on his sollem affirmation, that ye king of ye five nations of Indians haveing been at Philadelphia to treat with the Governour, & did on their Return with his Company take vp their Lodging near to his house, whear they Resided about fore days and nights together, ye nearest Neighbours Contributing to their necessitys what they could ; ye neighbours being few and poore Could not supply ym to ye full, at which place they killed one of his Cows, which he Valued at four pounds, and desired of mee a Warant to apprehend ye said Indians, but I being Informed that they had a Letter of Credit ffrom ye Governour to all persons to supply them with what they wanted, (and they being gon from ye said Richard Thomas's 2 days,) I thought it most Propper not to send a hue and Cry after them ; but to write to John Wright and Tobias Henricks to Treat with them about it In an Amicable way, and to get satisfaction for ye Party Injured ; but they haveing past Suskahana before my letters Came to hand, they mist of ye oppertunity. However about 3 days since ye said Richard Thomas Came a Gain to me and Informed me that he had been with the Governour to Lay his Case before him, In order to meet with Relief, but (as he says) ye Governour Would give no orders about it Vntill he had Rec^d some Information from me to set

ye Case In a true Light, In order to which he on ye 2 day of this Instant, November, 1727, brought two of his near neighbours, namely John Stringfellow and Henry Atherton, who according to ye laws and Customs of this province, did attest and solamnly Declare ye said Cow killed, as above to be well worth four pounds; and I being sensible of ye truth of ye above narration, shall Conclude, who am ye Gouvernours most hearty friend and servant

To Command, GEO. ASTON.

Direction.

"To the Honourable Patrick Gordon, Esq.,
"Governour of the Province of Pensilvania,
"These."

LETTER—MICAHAH PERRY ON BILLS OF CREDIT, 1728.

LONDON, February 3d, 1727-8.

Mess^{rs}. Rawle Kearsley, & Comp.

Gent^l —I have been duly favoured with your Letter of the 21st of Septemb. with a Remittance inclosed by John England's Bill on William Chetwynd, Esq^r., for one Hundred pounds, which I have passed to the Cred^t of your Accot Concerning the Salt Act; I wish I were able to write you anything Agreeable concerning the paper Currency; in mine of the 1st June last, I hinted the aversion the Lords of the Treasury had to a thing of that kind, & it is evident to me at present, that there can be no hopes of Succeeding in it; not to say anything of the Opposition that will alwayes be made by the Merchants here to it, who are utterly Set against it; for these Reasons I can give you no Encouragement, nor do I Apprehend that any Application will be of much Service; Upon all Occasions I shall be ready to promote the Welfare of the Province, & am with Respect,

Gent^l,

Your Most Humble Servant,

MICAHAH PERRYS.

Vera Copia.—P JOHN ROBERTS, Cler. Synd.

[See Colonial Records, vol. iii., p. 401.]

LETTER—ADMIRALTY TO GOV'R, 1728.

SIR :

I am honored with your Letter of the 7th July last, and which I should have acknowledged sooner, had I been able before now to ac-

quaint you with the final Orders, lately passed by His Majesty, concerning the Receipt, as well of Pyratieall Effects, as all other Admiralty Droits, and being mentioned in the other Letter I write to you, shall only take notice here of what you are pleased to mention in yours. Give me leave, Sir, to return you my thanks for the regard you are pleased to have to my Father, and for the kind manner in which you express the Service you propose to do me. I am truly sorry that the behaviour of Mr. Miranda has been so very disobliging, as I find by your Letter; and having upon many accounts a great Respect which I should be glad to shew you, on all occasions. So am I determined not to permit any Person to act in My behalf, who pays not that regard to you, which I have. Therefore Sir, by this Post I have acquainted my Deputy that he is no longer to continue Receiver of the Rights of Admiralty in your Parts. But in hopes that Mr. Peter Evans will be acceptable to you, have appointed him to act as my Deputy in his Room, and as I wish he may deserve your favour, so I hope he may have your Protection. If there is any Comands you will honor me with in these parts, I should be proud to Obey them, and upon all occasions be glad to approve my Self,

Sir,

Your most humble Servant,

ROBT BYNG.

Treasury Office
For the Navy,
February 29th: 1727-8.

To the Hon^{ble} Patrick Gordon, Esq^r.

Endorsed.—"R. Byng, Esq^r."

ADMIRALTY TO GOV'R—PIRATES—1728.

SIR :

As the Receipts of Admiralty Rights by Persons Deputed to collect them, pursuant to those orders which the Lords Commissioners of the Admiralty were pleased to give me, as likewise the Commission and Instructions His Majesty honored Me with, did in some measure interfere with the like Trust in your Excellency, either as Vice Admiral, or by a Particular article in your Instructions as His Majesties Governor, which directs the Effects of Pyrates to be secured until His Majesties pleasure is Received thereupon. It has unhappily occasioned the many disputes which naturally arises where Several Persons are appointed to Execute the same business. And though His Majesty by His Royal Sign Manual did propose to put an end to them, and prevent any that might hereafter happen, by appointing me to Receive So much of his Casual Revenue as are Per-

quisites of Admiralty, and therein did Express His Intentions that all Governors and Vice Admirals of the Colonies & Plantations abroad, and all other His Officers, Ministers and other Subjects whatsoever be aiding and Assisting Me or My Deputies in the Execution of my Office as Receiver General. Yet as the like Objections or Difficulties have continued. It has been thought very necessary for those directions to be Complied with, and that Trust continued to me which I had in my Commission from His Late Majesty. Therefore, Sir, I hope no Longer doubt can be made by whom all Rights of Admiralty are to be Accounted for to His Majesty. And since Your Assistance is requested in the Sign Manual, His Present Majesty has honored me with, I will flatter my Self to meet with so much as you think is for His Service in my Collection of all Admiralty Rights. These Orders relating to His Majestys Governors being very ample, I am afraid they will prove too long for Incerting in this Letter. But that I may Signify them in a regular manner, I have sent them authentically Attested to my Deputy, who will wait on you for that purpose. I beg, Sir, you will permit him to receive what commands you may honor him with, and give him that Assistance & Encouragement which you judge is necessary for the due Execution of his Office. Your Protection therein is what I wish he may deserve, So that relying on your Excellencys Favour by giving him that Assistance and dispatch which you judge is necessary and answerable to His Majesties Intentions, I shall Conclude with assuring you that I am with the utmost Respect,

Sir,

Your most Obedient and
most humble Servant,
ROBERT BYNG.

Treasury Office For the Navy,
Febry 29th, 1727-8.

To the hon^{ble} Patrick Gordon, Esq^r, Lieut^t Gov^r & Comd^r in Chief
in Pensylvania, &c.

COMMISSION TO DOCTS. GRÆME AND ZACHARY, 1728.

PATRICK GORDON, Esq^r Governour of the Province of Pensylvania
& Counties of New Castle, Kent & Sussex upon Delaware—

To Doctor Thomas Græme & Doctor Lloyd Zachary, Physicians,
Sendeth Greeting :

[SEAL.]

WHEREAS, the Ships Faro New, Master, and the Ship
Dorothy, Bedford, Master, both from Bristol, in Great Brit-
ain, are lately arrived in the River Delaware, and it being very

necessary that the said ships should be visited before they enter at his Majesties Custom House, to the End it may be known if their several Crews together with the Passengers on board are in good health and free from all infectious Diseases. These are therefore to authorize & Impower you the said Doctor Thomas Græme and Doctor Lloyd Zachary to goe on board the said Ships and strictly examine & inspect into the State & Condition of health of there several Crews and of all the passengers on board, of which you are to make Report to me on your oaths or affirmations. Given under my hand & seal at arms at Philadelphia, the second day of Aprile, in the first year of the Reign of our Sovereign Lord King George the second, Annoq Domini, 1728.

P. GORDON.*

In Pursuance of the within Order directing and authorizing us to visit, search and enquire into the nature, symptoms & dangerous Consequences which may attend a Distemper reported to be on board the Ship Dorothy, now here arrived from Bristol. We for answer doe declare that we have been on board, visited & have made Enquiry and doe find that the said Ships Company has in her passage hither been seized pretty generally with a fever of a malignant Nature, of which several have died, a good many recovered and a few still ailing, in this we are agreed & confirmed by a strict Enquiry & Comparison of like Symptoms in all those that have recovered, therefore to prevent all future Inconveniencies we humbly conceive that it will be proper to order a Removal of all those that are in the least ailing into fresh air with other Conveniencies.

And in like manner having visited the Ship Faro, we find all on board in good health.

THO. GRÆME,
LLOYD ZACHARY.

Doctor Thomas Græme, upon his Oath, & Dr Lloyd Zachary upon his solemn affirmation did declare the Contents of the above Report to be true before the Governor and Council the 2^d day of Aprile, 1728.

ROBT CHARLES, Cl. Con.

Endorsed.—"Order to Visit the Ships Dorothy & Pharoah."

PETITION OF FRONTIER INHABITANTS TO GOV'R. 1728.

To the Hon^{ble} PATRICK GORDON, Esq^r, Govern^r of the Province of Pensilvania, &c.

The Petition of the Frontier Inhabitants of ye County of Philadelphia, humbly Sheweth :

WHEREAS, Your Petitioners are at Present so Alarmed by a Nois of Indians That Several Families have Left their Plantations with

* See Col. Rec. vol. III. p. 310.

what Effects they Could Possibly Carry away ; Women in Child bed being forced To Expose themselves To Coldness of ye air, whereby Their Lives are In Danger :

We, Your Petitioners, Therefore humbly Pray That Your Hon^r would Be Pleased To Take or use Such Measures with ye Indians That Your Petitioners may be freed from These alarms, for yet we are Informed That The Indians are Consulting Measures against us. We hope your Hon^r will Comply With our Humble Request, To prevent as well our fears as Danger, and yo^r Petitioners as in Duty Bound shall Ever pray &c.

[Signed by]

WILLIAM WOODLE,
JOHN KENDALL,
JONATHAN BROOKE,
ANTHONY HENKEL,

[And many others.]

Ap. ye 29—1728.

REPORT OF DOCT^{RS} GRÆME & ZACHARY, 1728.

We who by order of the Hon^{ble} Patrick Gordon Esquire were appointed Visitors of the Ship Dorothy have by the same Authority now revisited the said Vessel, And after a strict Search & Examination of all on board cannot find any since their Arrival in this River seized with the said malignant fever as reported by us before, nor any who had been ill in the Passage to labor under Such Symptoms which can denote him or her at this time affected with the said Distemper, but that all the Ship's Company we found in good health, yet still with Exception to those, concerning whom we made our former Report, and who ever since have been separated from the People now on board.

THO. GRÆME,
LLOYD ZACHARY.

Indorsed :

Further Report of the Physicians ordered to visit the Ships. M.
Ap. 11th, 1728.

See Col. Records, vol. iii, p. 311.

INSTRUCTIONS TO J. LE TORT & JOHN SCULL, 1728.

April 18, 1728.

Mr. James Le Tort & John Scull,

Upon the information given to me in Council by J. Le Tort I desire you who I understand are speedily to return to Chenasshy, to

take with you the three strowd Matchcoats herewith delivered you, and in my name deliver one to Alamachpee, the Indian who sent me the Belt of Wampum, and tell him I heartily thank him for his Message, he acts like a true friend and Brother and I shall be glad to see him at our next Treaty.

Deliver another of these strowds to M. Montour, give my Service to her & tell her that I desire her on the faith of a Christian and the profession of fidelity to this Govern^t w^{ch} she made to me to be industrious in procuring all the certain Intelligence she can, of all affairs transacted amongst the Indians that relate to ye Peace of this Province & transmitt an acct of them to me, and that I now desire her to inform me by a Lett^r to be wrote by one of you of what she knows at this time relating to these matters.

Give the 3^d Strowd to Manawkyhieckon, and say to him that I am sorry that we at Philad^a are so great strangers to a man of his worth and note amongst his People, but I expect to see him at the Treaty I am to hold with the Indians when they return home from hunting, of the time and place of which he shall have notice and I hope he will by no means be absent. Tell him that their great friend & father William Penn, formerly made a League of friendship with all the Delaware Indians of whom he is one, and that one Article in that League was, that neither the Christians nor Indians should believe any Report of each other without first sending to inquire into the Truth of it from the Parties themselves, and that in case the Christians heard any news that concerned the Indians, or the Indians heard any thing concerning the Christians, like true friends & Brothers each should acquaint the others therewith, but the Gov^r hears there are some stories told concerning the Miamas or Twecktweys who live amongst the french, which concern this Govern^t and therefore that I desire him as a true friend & Brother will acquaint me freely and with an open heart of all he truly knows or has heard of these matters & send it to me by a Lett^r which one of you will write for him, that we may act to one another as becomes brethren of the same family, all the English in America, and all the Indians that live with them being but one People. And of your proceedings herein give me an acct in a Lett^r by the first opportunity, who am,

Your Loving friend,*

Indorsed.—"Directions to the Messenger sent to the Indians."

PETITION OF EIGHT MEMBERS TO H. R. ELECTION IN ROOM
OF SIR WM. KIETH, 1728.

May it Please the Speaker, & the rest of our Brethren the Representatives of this Province.

WHEREAS, We your fellow Representatives, have according to the

* See Col. Rec. Vol. III. p. 312—315. In hand-writing of James Logan.

direct & express Law of this Province, Moved the Honourable Speaker, to proceed, ex Officio to Issue his Warrant to Elect a Member in place of S^r William Keith; who, as by Letter & other Evidence does appear, is wilfully absent from the house of Assembly: And having not being able, by all the just & reasonable ways proposed, to procure your assent thereto. We resolved to Dissent in place & form, as is our undoubted Right, but having no hopes of succeeding in so just and Legall a Demand, from the proceedings we have hitherto been witnesses of; and being resolved not to give up the Right & priviledge of a free people, we unanimously Dissent from this proceedure, & had rather Submit to the greatest Severities, which can be Inflicted on us, than assent to so evident an Encroachment on the priviledges of the people whom we represent; and are therefore obliged to take this Method of Acquainting you, that we are firmly resolved not to proceed further in Legislation until our Grievance is Redressed, by the Speakers Issuing his Warrant for a new Election, according to the Directions of the Laws of this Province. To which We unanimously Subscribe at Philadelphia this 20th April 1728.

EDWARD HORNE,
W^m. MONINGTON,
L. C. SPROGLE,
THOMAS RUTTER,

JOHN SWIFT,
JOHN KEARSLEY,
JOB GOODSON,
THO^s. TRESSE.

ANSWER OF GOV. TO THE 8 MEMBERS, 1728.

The Gov^{rs} answer to the Representation of the eight Members.

Gentlemen :

As the dispute in the house immediately relates to the Privileges of the same, for which I shall ever have a due Regard, I cannot think it incumbent upon me to interfere with what is only cognisable by the Members of Assembly, at the same time I must with very great concern observe to you, that those unhappy Differences not only defeat the end of your appointment by retarding the Business of the Countrey, but What's worse, bring a Reproach upon the Province. I will not take upon me to blame one Side or justify the other, Time and Place will discover who is in the fault. As to what immediately relates to myself, I thank you for all your Proffessions of kindness to me and shall always expect to be treated with relation to my support as my Predecessor was.

(April 25, 1728.)*

* See Col. Records Vol. III. p. 315--319.

JOHN WRIGHT TO JAMES LOGAN, ON INDIANS, 1728.

Hempfeild 2. 3 mo., 1728.

My fd James Logan :

About three weeks agoe I gave thee a few lines with Acc^t of the Indians returned from Warr, since which time there has hapened (as we are inform^d) a murdher, to be committed by 2 of the Shawny Indians, upon a man and a woman of the Conastogo Indians and they demanding the two murderers to be given up, the Shawnys sent them wth some of there own people, who called at Peter Shurtoes, & he giveing them rum, eather by p'swation or theire own inclination let the Murderers make their Escape, which the Conostogo Indians resent so hiley that (as it's reported) they threaten to cutt off the whole nation of the Shawnys.—Yesterday there came 17 or 18 of the young men comanded by Tilchausey, all Constogo Indians, painted for the Warr, all arm^d; Wee enquired which way they ware going they would not tell us, but said, they or some of them ware goeing out to warr, and that there was some Cawnoys to go with them. But we hearing the above report, are apt to think that they are goeing against the Shawnys. It is all our Opinions that the Governor's presence pritty Speedily is absolutely nessesary at Constogo to Settle Affares amongst the Indians, they seeming at present to be in a destracted Condition, and the hardness of the Winter Sweeping away there corne, they'le be obliged to go a Summer hunting sooner than usuel, that if the Governor come not soon hee'l miss of them. If you please acquaint the Governor with the above Contents, with my hearty Sarviss to him & kind Love to thy Selve & family from thy Real fd.

JNO WRIGHT.*

PETITION OF THE INHABITANTS OF COLEBROOKDALE, 1728.

To His Excellency Patrick Gordon Esqr., Governor Generall in Chief over the Province of pencilvania, and the Territoris thereunto Belonging, Benbrenors township and the Adjacences Belonging
May ye 10th 1728.

We think It fit to address your Excellency for Relief, for your Excellency must knowe That we have Suffered and is like to sufer By the Ingians, they have fell upon ye Back Inhabitors about falkners Swamp, & near Coshahopin. Therefore, we the humble Petitioners, With our poor Wives & Children Do humbly Beg of your Excellency To Take It into Consideration and Relieve us the Petioners hereof, Whos Lives Lies At Stake With us and our poor Wives & Children that is more to us than Life. Therefore, We the humble Petitioners hereof, Do Desire An Answer from your Excellency By

* See Col. Records Vol. III. p. 319.

ye Bearer With Speed, so no more at present from your poor afflicted People Whose names are here Subscribed.

John Roberts,
Jn. Pawling,
Henry Pannebeckers,
W. Lane,
John Jacobs,
— D. Bais,
Israell Morris,
Benjamin fry,
Jacob opdengraef,
Richard Adams,
George Poger,
Adam Sollom,
Dirtman Kolb,
Martin Kolb,
Gabriel Showler,
Anthony halmon,
John Isaac Rlein,
Hanss Detweiler,
William Bitts,
Heinrich Rutt,
Hubburt Castle,
Henry Fentlinger,
Christian Weber,
Gerhart de hesse,

Lorentz Cinzamore,
Richard Jacob,
Herman Rupert,
Peter Bun,
Jacob Cugnred,
Christian Nighswanger,
Conrad Cresson,
Jacob Kolb,
Hans Wolly Borgy,
John Mier,
Henrich Kolb,
John Frot,
Paul Frot,
Wm. Smith,
Peter Rambo,
David Young,
Christopher Schmit,
Garrett Clemens
Mathias Tyson,
Peter Johnson,
Yost Hyt,
Christian Aliback,
Hans Rife,
Daniel Stowfard,
And numerous others.

ALLUMAPEES TO GOVR. ON INDIAN AFFAIRS, 1728.

SHAHOMAKING, May ye 10^a, 1727.

My frind and Brother :

I Resievd your Letter by the hand of James Letort and John Scull, Likewise I have sent you answare by John Scull. I thank my brother for the present he pleas'd to Send me, and I Do Belive it was Sent with a free and oppen Heart : the belt of wampam I Sent was to a Sure my brother that I was Ignorant of the Desine, and Do Stil Say, that I never heard nothing of it till James Letort and John Scull was going Doon, and then James Letort did tel me Consarning What he had heard of Manacahickon. In Sum time after Manacahickon Come Doon ; I tould him I had heard that he should Say such as I Did Releate to him Consarning a wear between the white pepele and the Indians ; he made but Lettell answare to what I aske him : at Length We had Sum hard words Consarning that afear, and

* See Col. Rec. Vol. iii., p. 319.

has he went a way he tould me that If he Did want wear he could make a handel to his Hatsheat Seventey ffaddom Long, and I should Se what that would Do, which I said I take werey Evil of a man In his pleace; but I Do a Sure my Brother, ffor the Love I bear to the name of my Good ffrind and ffather, William Pen, I Shal take all the Cear that in me Leys to hender his Proseading, and to keep peace with my Brothers. I Desine to Send two of my trustey ffrinds to ffive Nations to know the truth of What I have heard, and I hope to put a Stop to his Proseading, and has Soon as they Return I will Send my Brother their answare.*

JAMES LOGAN TO R. CHARLES, 1728.

PHILADIA., 10th May, 1728, Aftern.

ffr^d R. Charles:

We have at length, with much a-doe, Sent 2 horses loaden with half a barr^l of Powder, about 50 or 60^{lbs} of Lead, a Cheshire Cheese, 2 Sugar Loaves, 1 bottle of Lime-juice and 2 bags of Biskets, w^{ch} I hope will reach you to-morrow. I have dispatch'd an Express to Conestogoe that I hope will be with Jn^o Wright to-morrow night.

I very much fear you will hear of much more mischief done by these Indians in their retiring, if they be retired, and wish (upon further ruminating of the matter) there may not be a greater number of them not very far distant, if what these men have told be exactly true; but I would willingly hope for the best, and that they have made the worst of it. Pray give my Service to the Govern^r, & respects to our Mayor, Recorder, &c. I heartily wish you a Safe Return, and am

Thy real Loving ffrind,

I. LOGAN.

Pray Send back the Negroe & two horses with all expedition, & a few Lines to thine. I. L.

The Negroe belongs to Wm. Bantoft, who desires he may return in company, lest he gives the Slip, as he has once already attempted.

SAML. NUTT TO GOVR. ON MURDER OF INDIANS, 1728.

MALANTON, May 11th, 1728.

May it please the Governour:

Just now I R'ved the Disagreeable news, that one Walter Winter & John Winter, &c., have Murdered one Indian Man & two Indian

* See Col. Rec. vol., iii. p. 353.

Women, without any Cause given by the s^d Indians, & that the s^d Winter's have brought 2 girls (one of which is Crippld) to Geo. Boon's to receive some Reward. I Desire the Governour may see after it before he goes Down; for most Certainly such actions will Create the greatest antipathy betwixt the Severall nations of Indians & the Christians.

The bearer, John Petty, has heard the full Relation of this Matter; to whom I shall Refer the Governour for a more full account & Remain the Governour's most hearty friend and Serv^t to Command.*

SAM^{LL}. NUTT.

MESSAGE FROM JAMES LE TORT TO GOV., 1728.

CATAWASSE, May ye 12, 1728.

We always thought that the Governor knew nothing of the fight betwene the Shawaynos and the White People. We Desire the Governor to warn the back Inhab^{ts} Not to be so Ready to attack the Indians, as we are Doubtful they were in that unhappy accedent, and we will use all Endeavaurs to hender any Such Like Proceeding on the part of the Indians. We Remember very well the League between William Pen and the Indians, which was, that the Indians and white people were one, and hopes that his Brother, the present Gouvernor, is of the Same mind, and that the friendship was to Continue for three Generations; and if the Indians hurt the English, or the English hurt the Indians itts the Same as if they hurt themselves; as to the Governors Desire of meeting of him, we Intend as Soon as the Chiefs of the five Nations Come to meet the Gouvernor, we will Come with them, but if they Com not before hereafter, we will to Philadelphia to wait on the Governor. We have heard that William Pen Son was come to Philada., which We was very Glad of.†

JAMES LE TORT.

SAML. BLUNSTON TO GOVR., 1728.

May ye 12th, 1728.

fr^s James Logan:

This Morning the Messenger brought the Letter to Neighbour Wright, who being very Ill with a Rheumatic pain in his Thigh, Desired me to Call of the Indians (in my way to Pequea, where I was going,) and Deliver thy Message, which I have accordingly Done, And they Say they will Send a Messenger to Peshtank tomorrow, but Shamaken is too far, & they have not provision in their Town to

* See Col. Rec. Vol. III. p. 321.

† See Col. Rec. Vol. III. p. 322.

Entertain Em. But the Shaawnas & Canauwas, with all of them who are at home, will Expect the Governour in their Town in 9 or 10 Days: here is an Old Indian, Returned from the 5 nations, Says Some of their Chiefs are Coming to Philadelphia in about three weeks to Renew the Alience, that they are of Opinion the Indians who were at Manahalany have been put on by the french to Stir up Mischief. Last week 8 of this Town, the King one of them, went out to war, the Rest are at home. Provision is Very Scarce this way: there are so many Wagons going Down this week that it is Needless to Engage any, for you may have your Choice. I hope this Skirmish will not Come to an open Rupture, for we borderers are in the most Danger. I am with Respect to Self & wife,

thy ffr^d,

SA. BLUNSTON.

John Wright Desired to be Remembered to thee.*

To James Logan,
in Philadelphia.—P. G. Coates.

INSTRUCTIONS FOR APPREHENSION OF MURDERERS, 1728.

Pensilvania, ss:

To all Sheriffs, Coroners, Constables, and other his Majesty's Subjects within the Province of Pensilvania, and every of them, Whereas I have this day receiv'd Information that Walter Winter and John Winter, late of Chester County, ffarmers, did on the Eleventh day of this Instant, Set upon and Kill one old Indian Man, named Toka-Collie, & his wife, with one other Indian Woman, being of our ffriend Indians, and being then in the peace of God and the King; These are therefore in his Majesty's Name, to Command You and Every of You, to Levy Hue and Cry with horse and with ffoot within ye province of Pensilvania after ye said Walter Winter and John Winter, and them and each of them, to apprehend and bring before some Justice of the peace of the Province afs^d, to be Examined and dealt with according to Law; hereof ffail not. Given under my hand and Seal the 12th of May, Anno Domini 1728.;

P. GORDON.†

GEORGE BOONE TO GOVERNOR, ON INDIAN AFFAIRS, 1728.

To y^e Honourable Patrick Gordon, }
Governour of Pensilvania, &c. }

Our Condition at present looks with a bad Vizard, for undoubtedly

* See Col. Rec., vol. iii. p. 322.

† Ibid. 321.

the Indians will fall down upon us very suddenly, and our Inhabitants are Generally fled, there remains about 20 men with me to guard my mill, where I have about 1000 busbels of wheat and flour; and we are resolved to defend ourselves to y^e last Extremity; and not to quit our habitation if we can have any succor from you, wherefore I desire y^e Governor & Counsel to Take our Cause into Consideration; And speedily send some Messengers to y^e Indians, And some arms and ammunition to us, with some strength allso, In order to defend our fronteers, otherways we shall undoubtedly perish and our province laid desolate and destroyed. The bearer is able to Informe you with his own mouth y^e Cause of my Writing.

GEO. BOONE.

The 12th 3^{mo} 1728.

Indorsed:

For the Honourable Patrick Gordon, Esq.

[See Col. Rec. Vol. iii, p. 321.]

EXAMINATION OF WALTER WINTER, &c., 1728.

Walter Winter, of Cucusseas, in the County of Chester, being examined, saith that on the tenth day of this instant, he had heard by a Dutchman who lives at Tulpohocken, that the Indians had killed sundry Dutchmen, viz., had killed two and wounded three Christians, whereupon the said Walter went about the Neighborhood, & desired the People to gett together to his house to defend themselves against the Indians, & returning again to his own house, where he was making fast the Windows, in Case any Attempt should be made upon them. One John Roberts, his son, came to the house of the said Walter, & desired the said Walter to goe to his father's house & assist him, for that there were some Indians at his father's house, with a Bow and a great number of Arrows, and that his father was in Danger of being killed, whereupon the said Walter, with his father in Law, Morgan Herbert, each having a gun, went away to the house of the said John Roberts, (the gun of the said Walter being loaded with one bullet & ten swan shot,) and as the said Walter and Morgan Herbert were going to John Roberts's, they mett with John Winter, who had with him a short gun, and thereupon John Winter took the large gun & gave the small gun or pistol to Morgan Herbert, and when the said Walter with Morgan Herbert and John Winter came over the Logg that lies over the Run just before John Roberts's Door, he saw John Roberts standing in his own Door, he saw him have a gun in his hand, but whether he had it in his hand before this Examinant came up to the house, or whether he went in for it afterwards, this Examinant cannot say, and this Examinant saw an Indian man, some Women and some Girls, sitting on a wood pile before John Roberts's

Door. And the Indian man gettng up took his Bow, & stepping backwards took an arrow from his back, putting it to the string of the Bow, whereupon this Examinant apprehending the Indian was going to shoot at him, this Exam^t presented his gun and shot at the Indian man, that he believes the Indian was wounded for he saw Blood upon his Breast, that John Winter at the same time shott one of the Indian Women, and then run up and knocked another Indian Woman's Brains out, that two Indian girls run away, that the Examinant followed one and with a Bow and Arrow which he took up where the said Indians were sitting, he shott at one of the Indian girls and then overtook her and brought her back, and he then saw the Indian man gett up and went staggering into a swamp near the house, That John Winter and the Examinant with Morgan Herbert, the next morning, found the other Indian girl in Tacocolie's Cabin, she was much hurt about the head and face, and she was ordered to goe to Walter Winter's house, where she went accordingly. That this Exam^t was told by John Roberts's wife, that the Indian Boy that was in Company with the other Indians, was in the house, & made three Arrows in the house, but this Exam^t did not see him, That this Exam^t with Walter Winter and John Herbert, took the Corpses of the two Indian Women, & hauled them out of the Road, & covered them with some leaves.

WALTER WINTER.

Taken this 12th of May, 1728,

Before me,

EDWARD FARMER,

A. HAMILTON.

Morgan Herbert being examined, says he was present with Walter Winter, & having heard the above Examination of Walter Winter read distinctly to him, says the same is true in all its parts except that of John Roberts having a gun, which the said Morgan says he did not see.

Taken this 12th of May, 1728,

Before us,

EDWARD FARMER,

A. HAMILTON.

[See Col. Rec. Vol. iii. p. 321.

EXAMINATION OF JOHN WINTER, 1728.

John Winter being Examined, saith, on the tenth day of this Instant, he heard from his brother, Walter Winter, that the Indians had kild two white men and had wounded three more, and as he was afterwards going towards his brother Walter's house, he met his brother Walter with Morgan Herbert going to the house of John Ro-

berts, that his brother told him John Roberts had sent his son to desire Walter Winter to come to his house, for there were some Indians there with a great many Arrows. That this Examinant had a small gun or pistoll, which he gave to Morgan Herbert, and took a large gun from the said Morgan. That this Examinant, with Walter Winter and Morgan Herbert, went to the house of the said John Roberts, and as they were going over the Logg or wooden bridge that lyes over the run before John Roberts' door, this Examinant saw John Roberts come out of the house with his gun upon his shoulder, a little distance from the door, near the Indians, who were sitting, as he thinks, by the wood pile. That when Walter Winter, who went foremost, was within about twenty five yards off the Indians, an Indian man rose up with a bow in his hand, and stepping back, took an Arrow from his back, and was going to put it to the string of the bow, when Walter Winter presented his gun and shot at the man, calling out at the same time to this Examinant to shoot, whereupon this Examinant immediately shot among the Indians and kil'd one Woman, and then run up and struck another Indian woman over the head with the cock of his gun, and killed her. That John Roberts came up, and with an axe struck one of the Indian Women on the head, as she lay down. That two girls run away, that this Examinant followed one and knock'd her down with his gun, and there left her. That next morning, this Examinant, with sundry others, found the same Indian girl at Taka Colie's Cabin, and order'd her to go to Walter Winter's house. That the next day, being the eleventh day of May, this Examinant, with others, took the dead Indian Women and haul'd them some distance from the Road, and as he believes, put them into a hole and covered them with some leaves. That John Roberts' Wife told this Examinant, the Indian boy had made three Arrows in John Roberts' house, before this Examinant came there.

JOHN WINTER.

Taken this 12th of May, 1728,

Before us,

EDWARD FARMER,

A. HAMILTON.

INSTRUCTIONS TO SCULL & ZADISKEY, 1728.

John Scull & Anth^o Zadusky.

I understand by a Message from Alamachpis and Opekasset, that they intend to come to Molaton, and expect that I should see them there about the 30th of this moneth, w^{ch} I cannot doe, I therefore desire you to meet them and in my Name Say to them.

That I was well pleased to hear from my Brethren Alamachpis and Opekasset, that I am come up to Connestoge, and was in hopes that they would have come here likeways, but that the time is too

short for my going to Molaton, four of the eight days were past before I gott their Letter, and I must now speak with my friends the Connestogoe Indians, So I cannot come at the time they mention. If therefore my Brethren would come to me at Philadelphia, w^{ch} is not a long way from Molaton, it would be pleasing to me.

My Brethren know that the long hard Winter has made Corn and Provisions very scarce, they have a great Number of Men with them. I have a great number of Men wth me, and we have many things to say to each other, and I fear least my Brethren and we should want what's necessary at Molatton, but at Philadia we can provide well for them, we will have Provisions for them and tokens of our friendship, and there we will open our hearts to each other, and discourse in Love as Brethren, and I will endeavour to bring Civility and some of the Canayes with me.

Message to Allamachpis and Opekasset.

See Colon. Records, p. 322.

WARRANT TO ARREST MURDERERS, 1728.

To * * * Ow: Ow: Esq. *Sheriff of Philad. County.*

Whereas, upon Examination of John Winter, Walter Winter and Morgan Herbert, taken this twelfth day of May, in the fifth year of his Majesty Reign, before us, Edward ffarmer and Andrew Hamilton, two of his Majesty's Justices of the peace of ye County of Phila^a it appeared to us that ye Said John Winter, Walter Winter and Morgan Herbert, together with one John Roberts, have at Cucusse, in Chester County, on the tenth day of this Instant, set upon, assaulted and killed one Indian man and two Indian women being of Our friends the Indians belonging to the Province of Pennsylvania. These are, therefore, in his Majestys name do command you to take ye Said John Winter, Walter Winter and Morgan Herbert, into your Custody, and them safely to Convey to ye Sheriffe of Chester County in Order to be by him Carried before some of His Majesties Justices of the peace of ye Said County, to be by such justices aforesaid Committed and secured according to Law. Hereof ffail not at your Perill. Given under our hand and Seal at Manahatay, ye 15th day of May, in ye of our Lord, 1728.*

N. B.—A hue & Cry issued for apprehending John Roberts.

Referred to Col. Rec. Vol. viii. p. 321.

INSTRUCTIONS TO SCULL & ZADUSKY, 1728.

John Scull & Anth^e Zadusky.

1. You will herewith receive Six Strouds which you are to deliver to Alamaehpis, Opekassie, and Manawkyhickon viz., two to each, and say to them that you are come in the name and behalf of this Government to acquaint them that six days ago, we had an account that some strange Indians very well armed, had been guilty of great Violence to some of our People living in the neighbourhood of Mahantawny, who had in the civillest manner endeavoured to treat with these Indians, upon which they were attacked and wounded by the Indians, who are now gone off, that this accident raised an alarm from Some Stories spread abroad, that there were many hundreds of them.

2. That on this Alarm a very grievous accident happened, which has exceedingly troubled me and all William Penns good friends, for four wicked white men killed a peaceable good Indian Man and two Women, which has raised a horror in me and all the good People about me. But three of these villains are now in Irons in Chester Prison, that the fourth is also taken, and they will shortly all be tried and suffer in the Same manner as if they had killed so many white People, for that we make no difference. We are all Brethren, and as one People. Tis true there are some very wicked Men amongst us, as there are some amongst all Nations, but when these men are guilty of Such wicked Actions, we can doe no more than putt them to death. We kill them by our Laws that they may doe no more mischief, and whether they hurt an Indian or a White-man, tis all the Same, they must die for the one as for the other. When I heard of this I was much grieved, and I sent about twenty Men to find the Corpse, to cover them with Shirts & Strouds, and to bury them, and they are buried in ye Earth, and Covered with Strowds. We can doe no more now for the dead but mourn for them, and we deeply mourn for this Wicked fact, but those who did it shall suffer for it according to their Wickedness, and must be Swept from amongst good Men and from the face of the Earth on which they are not fit to live.

I Send this Message to my friends that they may know ye truth, for I hide nothing from them, and I would have them tell their people this truth that they may know it as it is, and that we may mourn together.

Tell them also, that I am to be at Conestgoe in Nine dayes after this date, where I desire to See my Said friends, Opekasset, Alamaekpees and Manakyhickon at that time, and discourse with each other in true Love as becomes friends and brethren.

Copy of the Message, p^e Nicolas Scull, John Scull, Anto^r Zadusky. 15th May, 1728.

See Colon. Record, viii. p. 321, &c.

INSTRUCTIONS TO SMITH & SKOLEHOVEN, 1728.

To John Smith and Nicholas Skolehoven, Messengers from the Chief of the Shawanese, at Pechoquealin.

In Answer to your Message You are to Tell my friend Kakowatchy that I am very glad to hear from him. We have always understood him to be a wise good man inclined for Peace and a Lover of the Christians.

That if these eleven men were sent out to assist our Indians against the Flatheads, it was kindly done of him.

But those People behaved themselves foolishly. It was not becoming any of our friends to come into the Christians' Houses with Guns pistoles and Swords painted for War, and to take away the poor People's Provisions by force with great threatnings to those that opposed them. This was not a behaviour becoming friends, nor what we expected from the Shawanese.

The English thought these men were foreign Indians come from the French or Spaniards. They went out with some few Arms to defend themselves, but spoke civilly to them and inquired who they were, their Answer was in Spanish with their Arms in their hands. All the English that went out affirm the Indians fired five Shott before they fired one. And there are five of our People sorely wounded.

The English therefore have just cause to complain, for the Indians came in an unfriendly manner to disturb them in their houses. This was very wrong. It is well that no lives were lost on either side. They must be wiser for the future. William Penn made a firm peace and league of friendship with all the Indians, and the Chain from time to time has been bright'ned. The Shawanese were not then in this Country, they came long afterwards and desired leave of the Conestogoe Indians and of William Penn, to Settle in this Country. Leave was granted to them, both by the Indians and English. They promised to live in peace and friendship with us, and the Conestogoe Indians became their Security. They promised for the Shawanese that they should live in Peace & friendship. They must be careful to keep their Words. These eleven Indians through their foolish behaviour have caused great Confusion. Our People thought they were forerunners of much greater Numbers, and hundreds of our People armed themselves, & some mischief followed.

The Govern^r is now Setting out to Conestogoe to treat with all these our Indians there, and he would be glad that Kakowatchy could have been present, but the time is now too Short. He will Speak with the Indians in 4 days.

The Govern^r expects the Chiefs of the Five Nations at Philad^a in 14 days; they have sent him word that they are coming on a Treaty of friendship to brighten the Chain between us.

When these Treaties are over, our friend Kakowatchy may know.

what passes at them. We shall alwayes include the Shawanese in our Treaties, but then they must act as true friends and not let any of their People come armed for War among our People to disturb them. We are all for Peace, All William Penn's People are for Peace, but they are Englishmen and have hearts & Courage.

The Govern^r will be glad to see Kakowatchy at Durham some time this year, when the Treaties are over and when the weather grows cooler. He will then treat him as his friend & Brother. The Govern^r will also take care to inquire for the Gun & other things the Indians have lost, and they may have them again if they are found, but the Owners should not come for them themselves, they have already disturbed our People. The Govern^r now sends one Matchcoat & one pair of Stockens, a belt & a little hatchet that the Indians left. These were brought to Philad^a, and the Govern^r now sends strouds to his friend Kakowatchy to confirm these his Words, and shall be glad to hear from him.

Indorsed :

Copy of the Message sent to Kakowwatchy, 21st May, 1728.*

INDIAN ANSWER TO GOVERNOR, 1728.

Allomappis & Oppakhassit's Answer to the Governour's Letter,
Dated the 16th of May, 1728.*

Tell my Brother that we have heard his Letter, which we Like Very well & are Glad of, for it has eas'd our minds, & we have nothing but love and good will toward the Governour and all his People. If we had not Rec'd this Letter from our Brother we Should have been in some fear of Danger but now our doubts are over, We understand our Brother the Governour Expects that we should meet him at Conestogo which we cannot well do, but if the Governour pleases we will meet him at Molaton Eight Nights hence. We are very desirous that Cap^t Civility & two or three of the Connoie Indians should be there. We have no more to say at present but that we are in True friendship with our brother the Governor and wth all his People, and that we shall meet at Molaton and discourse together in Love.

The above answer was Delivered in Indian
and Interpreted by James Letort to us,
the 22^d May, 1728.

NICHOLAS SCULL,
ANTONY ZADOWSKY.

* See Col. Records, vol. iii, p. 327.

† See Col. Rec. vol. iii, p. 333.—Also Archives, p. 222.

ALTERATION OF THE LITURGY, &c., 1728.

[SEAL.]

GEORGE R. ADDITIONAL INSTRUCTION To Our Trusty and Welbeloved Springet Penn, Esqr. and Hannah Penn, widow, Proprietors & Governors of Our Province of Pennsylvania in America; And in their absence to the Governor, Deputy Governor or Commander in Chief of the said Province for the time being. Given at Our Court at Richmond, the Eighteenth Day of June, 1728, In the Second Year of Our Reign.

WHEREAS, We were pleased by Our Order in Council of the 15th Day of June 1727, a Copy whereof is hereunto annexed, to Declare our Royal Pleasure that in all the Prayers, Litanies and Collects for the Royal Family, instead of the words [His Royal Highness George Prince of Wales, the Princess and their Issue and all the Royal Family] there should be inserted [Our Gracious Queen Caroline the Royal Issue and the rest of the Royal Family,] and whereas the same hath not been hitherto Signified to the Governors of Our Plantations in America, our Royal Will and Pleasure is that in all the Prayers, Litanies and Collects for the Royal Family to be used within Our Province of Pennsylvania under Your Government, instead of the Words [His Royal Highness George Prince of Wales the Princess and their Issue and all the Royal Family] be inserted [Our Gracious Queen Caroline the Royal Issue and the rest of the Royal Family.] And for the better Notice hereof in Our said Province of Pennsylvania, It is Our further Will and Pleasure that you cause the same to be forthwith published in the several Parish Churches and other Places of Divine Worship within the said Province; And that you take care that Obedience be paid thereto accordingly.

G. R.

Endorsed.—"Additional Instruction to Springet Penn, Esqr &c. Proprietor of Pennsylvania, Directing ye manner of ye Prayers for ye Royal Family."

RECOMMENDATIONS TO MERCY, 1728.

To ye Honorable PATRICK GORDON, Esqr. Governour of the Province of Pennsylvania, &c.

We, ye Justices of Oyer and Terminer and Jail Delivery for the s^d Province, Do Certify, That one Morgan Herbert, at a Court of General Gaol Delivery held before us at Chester for ye County of Chester, on this Twenty first Day of June, ano Dom, 1728, is Lawfully Convicted for aiding and abetting Walter Winter and John Winter in ye murder of certain native Indians, and though in strictness of Law

his offence may be adjudged murder, yet It appears to us That he was not active in perpetrating thereof, but unhappily fell into ye Company of those that Comitted it, Therefore upon the application of Divers of ye Inhabitants of ye s^d County and some of ye County of Philad^a who give a Good account of the s^d Morgan's good behaviour and Conduct amongst them, we are Induced to recomend him as an object of ye Governours Compassion and mercy so far as to grant him a reprieve until the King's pleasure be known, and in ye mean time to release him out of prison upon paying for and giving security for his good behaviour towards all ye King's Subjects and Especially the native Indians of this Province, all which is humbly Submitted to ye Governours order and Directing By us

DA^d LLOYD,
RICH'D HILL,
JER. LANGHORNE.

Endorsed.—"Recommendation in favour of Morgan Herbert."

See Colon. Records, vol. iii. p. 345.

APPOINTMENT OF MR. BACKHOUSE TO CHURCH AT CHESTER, 1728.

LONDON, August 3^d 1728.

HONORABLE S^R.

The Society for the Propagation of the Gospel in foreign parts, have appointed the Rev'd Mr Backhouse to be Missionary at Chester in your Honour's Government. They are very sensible it will be of great advantage to him, to have the support of your Honour's favour and countenance in the carrying on the Work of his mission; and do therefore earnestly recommend him to your favour and protection. The Society have had very ample testimonials of Mr Backhouse's prudent life and conduct, and do therefore hope he will duly discharge the duties of his Mission, and will upon all occasions behave himself in such due respectfull manner as may deserve your Honour's favour to him.

I am

Honourable S^r

Your most obedient and most humble servant,

DAVID HUMPHREYS,

Secretary.

To the Hon^{ble} Major Gordon,
Governour of Pensilvania.

Indorsed.—"Letter Sec^{ry} to the Society for propag. ye Gospel in favour of Mr Backhouse."

INDIAN MURDER, 1728,

Adj. 27th, August 1728.

MR. PETTY:

S^r.—This is to aqent you that, a Indian com to Oly, to Philip Kerwain & brought Neus from Siamococon that all the Indians have muved from them, & non is ther but Sam Siehan & his famely & Alomapis & also s^d Indian told to s^d Philip that at Sauanos that is Malson the Sauanos have hangd Thimity, Higin upon pol of ther cabin, & also s^d Indian brought word that the Indians will com to Philidelphia a bout full of this Mun, & it is fierd that with the Rest of the loders is not well, & if you please to acquaint the Gouvernor wit seame & his Counsull for the People in our Parts is freed that thereis som Miscif hacin by the Indians. Mor ouer, the french woman that com from your Husmingos wife told me to not go to Indians this fall un till by beter understanding bytwin the Christians & Indians, for theris a great dissatisfaction a mongs them. pray John Petty sent to me Briches & Cot that you was to do it by David Hois wife, & in quire if this eny thing down abut the mony going to Indians for Samⁿ Cosins & the rest Plegs me aboutit very much & also Samⁿ Cosins said that he never geave you order to Reacive any mony from me. Nomore att psent, but Rimaime your frinde.

ANTONY SADOWSKY.

pray send me an answer
first oportunity.

Direction.—"To Mr. Petty Living att Philadelphia."

See Col. Rec. vol. iii, p. 849.

DIRECTONS TO JOHN PETTY, 1728.

Friend John Petty:

I give thee this for a Memorandum, that you may make it your chief Business to enquire into that Story about the Tweehtwese or naked Indians, call'd by the French the Miamis. Shakellamy and Carundowana, with his Wife, will be as likely as any to inform you.

Inquire also diligently what those Indians were that came down to Oley, where they were going & where they now are.

Pray by all means bring Shakellamy down either with you, or as soon after as may be with Conveniency.

You will doubtless also inform yourselves of every thing else that may give Light into these affairs. I hope you will find all things easy and quiet. But if about Oley or Tulpyhockin you hear any further News, It may be convenient to send down a Letter from

thence by a safe hand with all Expedition. I heartily wish you a good Journey, and am

Thy Loving Friend,

J. LOGAN.

This is designed equally for Henry Smith & thee.

Indorsed —“Copy—Memorandum to John Petty.”

[See Colonial Records, vol. iii., p. 350.

INSTRUCTIONS TO SMITH AND PETTY, 1728.

Mess^{rs} { Henry Smith
&
John Petty.

As Business now calls you towards Susquehannah, I desire you, without Fail, if you can, to see my Friends, Allummapees, Ope-kassel, Shachalawlin, and Shakellamy, Give my kind Love to them, as to my Brethren, and lett them know that I designed about this time to make a Visit to some of our neighbouring Governours, if according to their Promise they had come down hither last Month. Lett them know I wait for them, and am concerned I hear nothing from them. I hope, however, I shall now see them in a few Days.

Inquire also after the Shawanah Indians, and if you can, See Kawowatchy, know of him, why his Friends left Pechoquealin, after they had promised to meet me at Durham Ironworks.

Tell all those four firstnamed Indians that I know they have clean hearts without Spott, and I expect from them, when they come, Such an Account of all their Affairs as one Brother gives to another, they see we treat them as we doe one another amongst ourselves, without any Difference, we are one People, and they must in all Respects treat us with the Friendship, Truth and Justice that we use to them. We all expect this of them as our Brethren.

Tell Shakallamy particularly, that as He is Sett over the Shawanah Indians, I hope, he can give a good Account of them, they came to us only as Strangers, about 30 years agoe, they desired Leave of this Government to settle amongst us as Strangers, & the Conestogoe Indians became Security for their good Behaviour. They are also under the Protection of the five Nations, who have sett Shakallamy over them. He is a good Man, and I hope will give a good Account of them.

Give my kind Love also to Carundowana & his Wife, and speak to them to the same Purpose. Lett him know I expect of him, that as he is a great Captain, he will take Care that all the People about him shall shew themselves good Men & truehearted, as he is himselfe, and that I hope to see him at the Treaty. Tell him Jonah

Davenport never complained of him, & therefore there was no Occasion for his Letter on that head.

If there be any Mischief done in those Parts, I expect they will seize the Persons who are Guilty of it, that they may be punished & Justice may be done on every side, for our People are very numerous & they will not be abused. I will not suffer any Injury to be done to the Indians without punishing the Offenders, and they must do the same Justice on their Parts, for then we shall truly be as one People.

These are my Words, which I send thus written, sealed with a Publick Seal, and Sign'd under my Hand, to which my Friends will give full Credit. Dated at Philadelphia, the first day of September, Anno Dom, 1728.

P. GORDON, [L. S.]

MEM.—To Enquire if a Message was sent to the five Nations acquainting them of our last Treaty.

Indorsed.—"Message per Henry Smith & John Petty."

GOV. TO CAPT. CIVILITY, 1728.

Sept. 2, 1728.

My very good friend Cap^t Civility:

When I left Conestogoe I was in hopes of Seeing you before this time, But I Suppose you waited for the Chiefs of the five Nations.

I hear some of these have been at Conestogoe since I was there, and that they were gone down to Maryland.

If you can by any means meet with them, whether at Conestogoe or elsewhere, I desire you to present them with this Belt of Wampum from me, and tell them that I desire earnestly to Speak with them about some Business that may concern them.

Therefore, if they will come to me at Philadelphia, they shall be satisfied, and I hope will be well pleased with their Journey.

This being a matter of Importance at this time, I request your friendship herein, and desire that you would come also along with them, as you are our brother on whom we very much depend.

I am Sincerely Yours.

[See Colonial Records, vol. iii., p. 350.]

INSTRUCTIONS TO WRIGHT & BLUNSTONE, 1728.

Philad^a, 2^a September, 1728.

John Wright

&

Samuel Blunston,

RESPECTED FRIENDS:

Much contrary to our Expectations, we find there are still some

Commotions amongst the Indians, that require to be look'd into, and we are now apprehensive that the Story we first had in the Spring of the Tweektwese or naked Indians or Miamis (for they goe by all these Names) who live to the Southwest of Lake Erie being invited to attack this Countrey, is not altogether without a Foundation, very few of our Indians have been privy to it, if there be any thing in it, one Manawkyhickon, a near Relation of Oqueala's, who was hanged last year in Jersey with one Collupny one of the five Nations, but French by Birth, who both live near Shamokin on Susquchannah, are the chief who have been laboring Mischief. Our Lenappys or Delaware Indians know nothing of it. The Shawanese we know are ready for any Mischief. How far the Five Nations are privy to it we cannot judge. But the Governour and Council, who mett yesterday upon it, are of opinion that it is of very great Importance to us to have an Opportunity of speaking with those Chiefs that were lately at Conestogoe, if they are not yet returned, for which Purpose this with the inclosed is now sent Express that if possible they may be prevailed on to step hither.

You are therefore requested (if I. Wright can travel so far) to give Civility the enclosed Letter to him, explaining it in the best manner it can be done, delivering him also the belt of Wampum for the Chiefs, tho' it's desired, when he speaks to them, if they are to be mett with that you or some of you could be present. It were to be wished he were more to be depended on, he cannot but think himself under some Obligations since the last Treaty, but these work not on some Dispositions. He is the best however that at present is to be mett with to undertake it, and we must endeavor to make the best of him.

If those Chiefs are not come back to Conestogoe, they should be carefully waited for and enquired after. Or if they are any where on the River, and not far above Pextan, they should be brought back if possible. And if they cannot be prevailed on to come to Philadelphia, they may 'tis probable be perswaded to stay at Conestogoe a few days, to wait for some who may come up to them from hence. If they should not even agree to this, as we know they acct themselves great men and are stiff, then 'tis desired they may be told as followes.

That from the first Settlement of this Countrey, and especially of late years, there has been always a firm Friendship between us and the five Nations. They may remember a firm League was made with their Chiefs at Conestogoe 18 years agoe, and again with Ghesaont 7 years agoe at the same place, and again at Albany the next year or in 1722, between all their Chiefs and our Governor with divers of our Council, who went thither to meet them, and that at all these times, especially the last, the Chain or League of Friendship that had formerly been made with them was brightened and made as strong as it was possible to be made by Man. The same also was done in some measure last year with some of the Cayoogoes, tho' that is not the Nation we have generally treated with. The

Onondagoes having commonly been the people that have been sent to us, and therefore we wondred that none but the Cayoogoes came at that time to visit us. That if they have any thing to say to us on any account whatsoever, we should be glad to hear it from some of their Chiefs, and they may be assured they shall meet with their true Friends and Brethren in us.

But here in mentioning the Cayoogoes, Caution should be used that these people who are come thither are not principally of that Nation, and therefore their Nation should be first enquired into, and no Distinctions be used that can give any offence. They account the Onondagoes their best Gentlemen, tho' not numerous.

Then if there be room for it, they might be asked, whether ever they heard that any of the French Indians were encouraged to attack this Countrey, Upon which they may be told, that this has ever been a peaceable Countrey, and that by being perfectly just to the Indians & all men, by making them as one People with us, and doing them all the Justice in every Case that we deal to one another, we laid a firm Foundation for Peace, that we would have Peace with all men, but if any shall be so unreasonable as without any Provocation to attack us, we are now a very great People and very numerous, and doe not want means to defend ourselves by Force, but like Good men we would chuse to be defended rather by our Justice & Upright Dealings than by Arms, for we believe Mankind was made to serve God, and for a much nobler End than to be knock'd on the Head.

They may be told also, that they know very well the French are always contriving Mischief against the English to trouble them, and spare no Lies, no false Stories nor Endeavors to seduce and deceive the Indians. But were it in the Power of the French and the Indians that joyn them, as it is not at all in their Power, to destroy the English, then the five Nations having none else to depend on but the French, would be intirely ruined, they cannot supply Goods as the English can, and when they gett the Upperhand and have nothing to fear, they are proud and Cruel Masters. The Indians would then be Slaves, they have therefore the Strongest Reasons in Policy and on their own Account, to be hearty Friends & adhere closely to the English Interest. It is their own Interest & that will not deceive them.

These things ought on all Occasions to be inculcated in the Way of Conversation, but with a seeming Carelessness, as it were ridiculing the Follies of those who have any favorable Opinion of the French as Friends to the Indians, and they must if possible be talked over with these Chiefs. Philadelphia would be the best Place, but if not here, then there, by such as may goe from hence, or by any others that can doe it.

If I. Wright's health will not suffer him to travel so far, for w^{ch} I should on other acc^{ts} be extremely troubled, it's hoped I. Blunston w^h Ad^m Cornish may manage this affair, And it might be advisable that Eliz^r Cornish, who speaks the language, should privately be-

tween themselves enter into as close a discourse as possible with Civility about what news he hears or what he knows.

This affair will give you some trouble, but it's equally every man's Concern in the Govern^t who has any thing in it that he values. If any Charge accrue it must be borne by the Publick. We hear by an Indian that at Shamokin they have hang'd one Timothy Higgins, a serv^t to Henry Smith, an Indian trader, but we hope it's not true. Said Smith & John Petty are gone up to day to know how matters are in those parts.

The substance of this you will easily see is to be managed with as little noise as possible, that no alarms may be given without a real occasion. We hope there will be none, for on Indian stories there is very little Dependence, but Prudence will advise to Precaution wherever it can be used.

Pray dispatch the Messenger as soon as possible w^h a Letter to y^e Govern^r, from whom this should have come, but time would not so well allow it.

I am w^h kind Love & Respect,

If the business cannot be soon despatched, the Messenger (M. Jervaes) should not be detained, but if these Chiefs are there & will either come down or wait there for others coming up, some other should be sent down on purpose. If the Bell is not delivered care should be taken to have it returned.

Indorsed :

Copy Letter to Mess^{rs} Wright & Blunston, 2^d Sep^r 1728.†

SMITH AD PETTY TO GOV^r., 1728.

Sp^t ye 3th, 1728.

Be it pleas y^r Exelencie:

To make you knowne y^t we Have mett ye traders and my man y^t was thaught to be Hanght, and He espact His live very narrowly; and we goes on your journey to Have further Intilygens in ye matter; as far wee can find, Hitherto the cause Stand very dubious, which we are resolv'd to Se unto it, and att our return wee shall give you a True account of Thire mind. The man as espack His live wee dare not to take Him, but ye traders wee take them: who am your

Most Humble Servants to Command,*

HENRY SMITH,
JOHN PETTY.

To The right Honorable our present Governor of
Philadelphia, Esqr., or to James Logan, Esqr.,
Secretary of Estate of this Province.

* See Col. Rec. Vol. III. p. 352.

† Ibid, 300.

CAPT. CIVILITY TO GOVR., 1728.

Honorable Gouvner :

When you was Hear in the spring Wee had a Counsell together & wee did Conclude to Come doune to Philadelphia in about two months after that time, but wee of Conastogoe have sent to seavarell of the Indians that Live a great way of, who are now on thear Rode Coming to see & speake with the Gouvnor, & the Shawneys, Conoys, & Delawars have brought a greatt maney skins to Conastogoe in order to present the Gouvnor, but Captin Sivillity hath his only Child dyed Lately & he is so mutch troubled that he canot come, therefore, the Conastogoes, Delawars, Shawneys & Conoys, designes to stay till next Spring, and then they will come to see & treat with the Gouvnor att Philadelphia.*

CAPTIN SIVILITY, × his mark.

Conastogoe, Octobr 1st, 1728.

To William Chetwoode, at Wm. Murrays.

To the Honorable Patrick Gordon, Esqr,
Gouvernor of Pensylvania: These.

CAPT. CIVILITY TO GOVR., 1728.

Capⁿ Civility To Patrick Gordon, Esqr^r, Govern^r of Pensylvania, &c.

James Logan, Richard Hill, Isaac Norris, Samuel Preston and Andrew Hamilton, Esq^{rs}.

My Brethren :

The Late Death of my Child Causes so much Trouble and Sorrow thatt att this Time Itt putts all other Thoughts outt of my mind ; Nevertheless, I still Remember and Retain The Govern^{rs} late Good Speeches to us here att Conestogoe, and am Very Glad thatt I once more heard the words of William Penn ; but as I said before, my Grioffe and sorrow so overpoweres mee Thatt I am sorry thatt Itt makes mee uncapable att this time to answer ye words of my old good friend Wm. Penn. This I send to you of my Selfe without Consulttation of any, for my Eyes are full of Tears for ye Sake of my Child. Here are Serverall Shawaners and Conoys come, ye Rest wee Expectt Every hour, so that wee have had no Councell as yett, and whether they will come to Philadelphia or nott I Cannott Tell as yett :

My Trouble is so greatt att this Time thatt Itt so putts all other thoughts outt of my mind Thatt I do nothing butt Crye Every Day,

* See Col. Rec. Vol. III. p. 352.

and Cannott bear to Come Into the Sightt of my friends, otherwise would have Come Down with my friend Edm^d Cartlidge :

When my Grieffe and Sorrow is a Little over, and wee have had our Councell here, you shall hear from us If I Do nott come my Selfe. In the mean time I am your Good fr^d,*

CIVILITY.

ADMIRALTY ON SHIPWRECKED SEAMEN, 1728.

ADM'TY OFFICE, 15th October, 1728.

Sir :

It having been enacted, by an Act passed the last Sessions of Parliament, that his Maj^{ty's} Governours, Ministers, Consuls, or British Merchants abroad, shall take care of all British Seamen & Boys, who may be Straggling to and fro, by reason of Shipwreck, or otherwise, I am Commanded by my Lords Comm^{rs} of the Adm'ty. to send you One of the said Acts of Parliament, with Two of the Schemes, by which an Account is to be kept in what manner you do, from time to time, dispose of such Seamen & Boys, that so you may be the better informed how to put the aforesaid Act of Parliament punctually in execution, & in case of your absence, at any time, I am to desire you will leave both that and the Schemes with such Person, or Persons, as may be proper, pursuant to the said Act.

I am, Sir,

Your most humble Servant,

H. BURCHELL.

Patrick Gordon, Esq^r, Gov^r Pensilvania.

E.

MEMORIAL FROM NEWCASTLE FOR CO. OFFICERS, 1728.

May it Please y^r Hon^r:

We are informed & do believe that Coll. French is dying; and as it has always been the Sentiments of the People of this Governm^t that their Records as well as their Officers ought to be, live, & reside among themselves, & within the Counties; and that no p^{son} except the Propriet^r & Gov^r ought to have the Com^{and} or Keeping of any of our Deeds, Records, Writts, etc., unless such person live & reside among Us and in the County to which such Records do belong. We, therefore, humbly beg Leave to represent to the Gov^r, in Behalfe of our selves & the County of New Castle, our Desires that some fit p^{sons} of Capacity living & residing among Us, according to our

* Col. Rec. Vol. III. p. 352.

Laws & Constitution, may, in case of the Death of the s^d Coll. French, be appointed as usual for executing the offices of Clerk of the Peace, Prothonotary of the Common Pleas, & Register for the Probate of Wills & Granting of Letters of Administration for the County of New Castle: and in this We are well assur'd the Gov^r will very much oblige the Magistrates & Inhabitants of the County of New Castle, and likewise the People in General of these Three Counties. We humbly beg the Govern^r will please to excuse Us for this Freedom, and accept of our best Services & Respects.

We are your Hon^{ss}

assur'd fir^{ds} & most obliged humble Servants,

PH. GORDON,

DA. EVANS.

JN^o. RICHARDSON,

HANS HANSON,

JOS. ENGLAND,

SIMON HADLY,

CHARLES SPRINGER,

JAMES ARMITAGE.

AND^w. PETERSON,

JAMES JAMES, Jun^r.*

Nov^r ye 22nd, 1728.

PETER EVANS'S CLAIM FOR OFFICE, 1728.

To the Hon^{ble} Patrick Gordon, Esq^r, Lieutent Govern^r of the Province of Pensylvania and the Counties of New Castle, Kent & Sussex on Delaware.

The humble Petition of Peter Evans

Sheweth:

That yo^r Pet^r having a Right & Title to ye office for Probate of Wills and Granting Letters of Adm^{on} in and for the said Counties by Patent from the Hon^{ble} William Penn, Esq^r, Late Prop^r and Gov^t of the s^d province and Counties, as by the said Patent appears. The possession and profits of w^{ch} said office have for some years past been held and Enjoy'd by John French, Esq^r, Lately dece'd:

Yo^r Pet^r therefore humbly prays to be admitted to the possession & Enjoyment of the s^d office, according to the Tenor of the s^d patent.*

And yo^r pet^r Shall ever pray, &c.,

PET. EVANS.

BISHOP OF LONDON TO GOV^R. G., 1728.

FULHAM, NOV. 16, 1728.

Good Sr.

The expiration of my former Commission, and the passing of a

* See Col. Rec. Vol. III. p. 358.

new one, together with the necessary preparations for ye appointment of Commissaries within ye several Governments, have of late, in some measure, interrupted my correspondence with the Plantations. But now, I thank God, those matters are wellnigh finish'd; and, together with this, I send a Commission to Mr. Cummings for the exercise of Jurisdiction over ye Clergy in Pennsylvania, in which I doubt not but he will on all occasions have your kind Assistance and support. The Society have resolv'd to remove Mr. Campbell to another place as soon as he shall have clear'd himself by due course of Law From the matters w^{ch} have been laid to his charge; for I find, whether he be guilty or innocent, there is no hope of his doing good where he is; and if he has been guilty of *Indiscretions* only, it may reasonably be presum'd, that ye difficulties and misfortunes they have brought upon him, will make him more wise and cautious in another mission.*

It has been mention'd to me, that some alteration has been made there in ye manner of laying matrimonial Licenses; by w^{ch} some occasional Perquisites that ye Clergy us'd to enjoy, are now cut off. I am not well enough apprised of ye case to descend to particulars; but however it be, I beg leave to be so far an Advocate for ye Clergy, as to bespeak your favour to them, to such a degree, as the reason of things, and the nature of your Constitution there, will fairly admit. And as they can desire no more, so I dare say it is what you will readily grant. Your friend, the Bishop of Carlile, is very well, and has been able to settle his only son, a very hopeful young man, to his satisfaction.

I am, Sr.

Your faithful fr^d & sev^t,
EDM^d. LONDON^a.

Indorsed—"Bishop of London notifying his appointm^t of a Comm^r for Pensylv^a."

Direction.

"For

"His Excellency P. Gordon, Esq^r,
"Governour of Pennsylvania."

PROPRIETARIES TO THE TRUSTEES, 1728.

LONDON, JANUARY 31, 1728-9.

Esteemed Friends :

Our last to you was of the 11th of November last, Viâ New York,

* It appears by vol. iii. of Colonial Records, that a Mr. Campbell, "a parson of a dissolute character, who had lived for some time in New Castle Co.," was the author of a Letter in Bradford's paper, signed "Brutus and Cassius," which reflected on the King and Government of Great Britain, they were both arrested and committed. This probably was the same person, and this one reason for his removal by the Archbishop.—See Colon. Records, vol. iii. p. 392. Sept. 20, 1729.

by the two Sisters, Cap^t Lukar, under Henry Lands Cover, with which was two full powers to give you entire satisfaction in taking upon you the execution of the trust reposed in you by our ffather's Will for the sale of lands in Pensilvania and the Jerseys for the payment of debts, and also wee then enclosed you an opinion of one of our first Council by which you might see there is no occasion for sending you a Schedule of those debts, which letters and powers wee hope ere this time are safely come to hand.

Since which wee have the favour of yours of the 7th of October by Cap^t Annis, and we must acknowledge ourselves much obliged to you all for your intentions to answer his expectations in discharging the beforementioned Trust, but wee cannot but be under some concern to find that you now acquaint us, that the embarrassments of our Affairs are so very great that you can't think it proper for you to Act unless J. Penn undertakes a Voyage to you this Spring.

Wee cannot but acknowledge that what you propose is very reasonable if it were possible for the present state of our Affairs to admit of it, but on the other hand, wee must desire you to consider the difficultys wee yet lye under, are so great that wee cannot take such a resolution till wee have in some measure gotten over them.

First, then it will be absolutely requisite that the mortgage should be cleared, and that depends upon our ending with Joseph Dickinson, who, as wee write you in _____ promised to pay of his Father's Bond, but we had some disagreement _____ about settling the interest, and he has fallen since into a violent sickness, which brought him very near death, and is not yet so well recovered as to be fit for business, but wee hope wee shal finish that Affair in a little time, tho' 'tis like to be some months before wee get the money.

But the principal matter is the dependance with Lord Baltimore, which there is an absolute necessity to get settled before any of us go over, and that wee resolve to apply ourselves to with all possible diligence, that Lord being lately returned from beyond the Seas having been about for several months; and as soon as wee can bring that to some conclusion, our Brother John designs to prepare himself to be coming over to you.

In the meantime, as you are as effectually authorized, by our Father's will, and by the powers last sent (duplicates of which you'll receive herewith) to raise money by getting in debts, and selling of lands as if wee were all present; we must earnestly intreat you so farr to take upon you to execute the Trust our Father requested of you as to get in & remit us as much money as possibly you can for the payment of the debts, whereby wee hope wee should be soon enabled to put an end to and discharge you from an Affair so troublesome to you, but which would not be less so if either of us were upon

the place, for that he must wholly rely upon you to Act, or direct him in every particular.

With kind respects to you all wee remain,
Your very much obliged friends,

JOHN PENN,
THO. PENN,
RICH^d PENN.

Indorsed—"Mess^{rs} J. T. & R. Penn's Lett^r to ye Trustees.

COMMISSIONERS OF CUSTOMS TO GOV. 1729.

S^r:

Having by the inclosed letter to Rich^d Fitzwilliam, Esq^r., our Survey^r Gen^t of the Southern Continent of America, acquainted him that pursuant to the directions of the Lords Commiss^{rs} of His Majestys Treaty we have issued our Deputation to Alexander Keith, Esq., to be Coll^r of Newcastle, in Pensilvania, in the room of Mr. Lowman, deceased, and directed him to give orders that the s^d Keith be admitted into the said office. We desire in case Mr. Fitzwilliam be within your Governm^t that you will order the inclosed letter to be delivered to him, but if he be absent that you will please to give directions that the s^d Keith execute the Bond sent in the s^d letter, and is admitted to his Duty agreeable to our orders to Mr. Fitzwilliam.

We are S^r,

Your most humble Serv^{ts}.

Custom H^o. London,

13 May, 1729.

E.

WALTER YONGE,

J. STANLEY,

B. FAIRFAX,

JO. EVELYN.

Govern^r of Philadelp^a.

Direction.

"To His Excellency, Patrick Gordon, Esq^r., Lieuten^t

"Govern^r & Comander in Chief of His Majesty's

"province of Pensilvania."

CAPT. CIVILITY TO GOVR. 1729.

CONESTOGOE, JUNE 10th, 1729.

S^r:

Knowing the good Correspondence settled betwixt us, am willing to acquaint the Governour, having no Other in the world to tell my

trouble to of this nature, which is of the Barborous Usage of the Shorrey Indians belonging to South Carolina, which was about forty Days ago, the Robb^d three houses upon Pertomaek belonging to us, forty of our men is gone after them, in order to pursue them, The Likewise killed fifty nine men belonging to us at the five nation Town, and has Taken two Women and a Boy prisoners, first they came upon them and killed Eight men, Then they came to a Parley to make peace, But could not prevail, The Captain that went out was taken, and then they Surrender'd the Town, this is a true Relation of our unfortunate Brothers, of their Sufferings by those Barborous Indians. So concluding with my humble Service to your Lady and please to accept the Same to yo^r Honour from yo^r most humble Obedient Serv^t.

his
CAPTN. ✕ CIVILITY.
mark.

Direction.

"To Patrick Gordon, Esq^r.,
"Govern^r of Pensilvania."

CHECOCHINICAN TO GOV. 1729.

June y^e 24th, 1729.

Honoured Governour :

It is with regret of mind that I take this Opportunity of laying our great greavances before Your Consideration, hoping that You will be pleased to take care and Protect us from any Wrongs or injuries done me and our People whom in the behalf of I now write, in time past when we Sold our interest to W^m. Penn (our Brother) he was pleased to Grant us a Wrichting for the Creek of Brandwine up to the Head thereof, which Said Wrichting by some Accident wass Lost with all y^e Land a mile wide of y^e Creek on each Side, which afterward we Disposed of so far up as to a Certain known Rock in y^e Said Creek, it being in the Line of the Land, belonging to one Abraham Marshall, and of Late to y^e great prejudice and Disquiett of us a people that has done and Still Desiers to do, to continue in peace and Love, and be as one Heart and Soule with W^m. Penn and his People, the Land has been unjustly Sold whereby we are reduse'd to great wants & hardships notwithstanding in ye Year 1726, application Was made to ye Assembly, for relief in that Case, and A Wrichting Was given by Nathaniel Newlin, y^t Neither ye S^d Nathaniel Newlin to whome Some of ye Land was Sold, Nor his Heirs, Would any ways disturb or Molest us in the free and peaceable Enjoyment thereof, but Contrary to the Same, it has been

sold and greatly disquieted us, nay we have been so much interrupted that we have been forbid So much as to make use of timber growing thereon, for ye Convenience of building Some Cabins, & further, that the Town at the Head of Brandiwine is Survey'd to one James Gibbins, and many more, & now has an assurance of a Conveyance for the Same from the Com^{rs} of Property, as he himself Says by James Steel, ye which greivances we here take freedom to lay before your Consideration, hoping that Nothing will be wanting more now to Cultivate & preserve a good & Lasting frindship between us & ye Decendants (of our Brother W^m. Penn) who had Shown their Love and care so particularly to us as to give it So principally in Charge, & as nothing has yet appeard to give us ye least umbridg that our cases as before represented will be anyways Neglected. We take freedom to lay it before Your further Considerations, and Subscribe mySelf your Sincere Friend & Brother.

N. B. James Logan promised to me that James Gibbons nor any Body else Should never have a Confirmation theirof, nor any other Person within our Claim.

his
CHECOCHINICAN 
mark.

Direction.

“To Patrick Gordon,
“Governor of Pennceylvania.”

CAPT. CIVILITY TO GOV'R. 1729.

Capⁿ Civility To the Honourable Govern^r of Pensilvania.
GOVERN^r.

I rece^d your answer to my Letter and Thank you for your Love and Care over us.

Wee have no manner of hopes or Expectation of haveing Curundawawnah Redeemed if hee should bee still alive, which wee do nott Expectt; if any of us Should go there on that Intent, provided he was Still Living wee Should bee Liabile to fall Into the same misfortune.

I Impute that to ye five nations own fault for they was ye Cause of their own Ruin. had they Stayed att home they might Still been all living.

Wee the Conestogoes are fearfull Leastt Such provocations Should bee ye ocation to Draw ye Southern Indians near, If nott as far as this place: wee have heard that they have of Late been aboutt Potomack; and wee have Sent all our young Brisk men accompanied with Some Delawares and Conoys In all near thirty men In order to

Look outt and see if they Can find any of ye Southern Indians there the reason of our So Doing is because our time of hunting Draws nigh, and our people being fearfull, and if they find the Coastt Clear they may ye Better hunt with Courage.

About two months agoe the Southern Indians Killed and Took nine of the Shawaners Living on a Branch of potomack near the Greatt Mountains; the which Impute to ther own faults for Setling So near their Enemies.

I would my Self Go to warr had I butt fourty men att my Command butt our number is So Small wee are nott Capable of inakeing any such attack; if I Should Call our young men together on such an ocation They have Several Excuses, one wanting shoes, another powder & Lead; and Tell them to huntt and provide for ye same as fastt as they Gett any thing away itt Goes for Rum, Such Is the folly of our People.

So much for ye p^{re}sentt. In time p^{er}haps I may have More to Say
CIVILITY.

Truely Interpreted P Edm^d Cartlidge.

Since this was Deleivered to mee Tyoolhousie with two others yesterday Came home and Brings no news of any Southern Indians about potomack.

EDM^d CARTLIDGE.

Indorsed.—"Cap^t Civilitys Letter to the Gov^r."

Direction.

"To The Honorable
" Patrick Gordon, Esq.,
" Govern^r
" of Pensilvania,
" these."

GOVR GORDON TO SHEKALLAMY, &c. 1729.

PATRICK GORDON, Esq., Lt Governour of the Province of Pensilvania and Counties of New castle, Kent and Sussex upon Delaware.

To my good friends Shekallamy and Kalaryonyacha at Shamokin.

You are very Sensible of our Love and our Care for all the good Indians our Brethren that live amongst us or near us. 'Tis this Love that has fill'd our hearts with Grief for the Loss that has befallen them. Our Souls are afflicted for the Loss of our dear good friend Carundawana and of all our other brethren of the five Nations. We loved Carundawana as our own Brother. When I, the Governor first heard of his loss I Sent a Letter immediately to the Indians of Conestogoe to lett them know, that if they would send and See if he was yet alive, and could be redeem'd I would pay his Ransome. We send a Stroud to cover Shekallamy's son.

As soon as you see & hear this Lett^r we desire you our good fr^{nds}

to goe directly to the five Nations, with the ten Strowds herewith delvd to you and presenting them to the Chiefs in the name of John Penn, who was born in this Countrey, to his father their Broth^r W P when he was last here, and also in my name tell them that we mourn in the deepest of our hearts for their Loss, and that we send these Strowds to cover their Dead. We grieve when they lose any of their People; we would have their numbers encrease that they may be a great People, and we mourn when they are lessen'd or when they destroy themselves by War.

We are much troubled that they went to fight the Indians that were in friendship with the English and were trading wth them. the English would not hurt the five Nations if they knew them, but they thought them Enemies because they Came to fight agst their fr^{ds}. all the English are one People and all their fr^{ds} should be one People. We grieve for this mistake and unhappy Loss.

Tell them we expect John Penn over here next Spring and he will desire to treat with them. When he comes we shall send to them. We have wished to speak with them since Connessoor, Pannewhaannegah and their Comp were here about 3 years since. When John Penn Speaks with them We shall then all open our breasts, every one will speak his mind freely, the Chain will be brightened & our friendship and brotherhood will be established on a foundation of Peace that will endure for ever.

In the mean time we desire them as our Brethren that they would not hearken to ye Reports or Speeches of any angry people whose hearts are not good. Our hearts are clean as the purest fountains of water or as the Suns beams, we have nothing in them but Love tow^{ds} our brethren.

These things I desire you to say to our friends and brethren the Chiefs of the 5 Nations as soon as you possibly can gett thither, and lett them further know that as we are kind to all their People when we see them, so we desire them to be kind to our people wherever they meet with them, whether on Susquehannah, Potowmack or Allegheny or in any oy^r place, for Brethren should in all places be kind to each other.

I heartely wish you well and shall wait yo^r answe^r who am
Y^r very Lov. fr^d.

Philad^a 18 Aug. 1729.

Indorsed.—"Gov^r Gordon's Lett^r to Shekalamy, &c. at Shamokin with a Present.

ADMIRALTY TO GOVERNOR ON PASSES, 1729.

ADMIRALTY OFFICE, 12 Sep^r. 1729.

SIR :

Herewith you will receive according to your desire, a Box contain-

ing Twenty Passes, together with the same number of Bonds and Oaths, to secure the Ships of his Majesty's Subjects from the Cruizers of Algier, and I am to desire that particular Care may be taken in the Issuing of them, as his Majesty's Order in Council directs, as also that an account be kept thereof, according to the Scheme that accompanied the said Order. I am the more pressing in this matter, because your Predecessor Sir William Keith, did not transmit any Particulars relating to the Passes disposed of, during his Government.

When you want a Supply of Passes you will please to give me timely notice, and remit the Fees, with your Account, as opportunity shall offer.

I am Sir,

Your most humble Servant,

J. BURCHELL.

E.

Your Bill of £13.15s. w^{ch} came in your Letter of 18 Oct^r last for 11 Passes is received, for which I return you my thanks.

Patrick Gordon, Esq^r. Gov^r. of Pensilvania.

R. BYNG TO GOV. 1729.

Sir :

I should have acknowledged some time since the favour you did me in May last, had I not been prevented by being lately abroad. However, Sir, you will now permit me to return you my Thanks for it, and for the assurances you are pleased to give me of what Services you are Capable of, as likewise the Assistance you mention to be given my Deputy in the Exercise of his Office. This obliging manner of Corresponding with me will fully answer the Intentions of my Superiors, and render me always with great

Respect, Sr,

Your most Obedient

and Most Humble Servant,

RO. BYNG.

Whitehall, Sept. 20th, 1729.

To His Excellency Pat^k. Gordon, Esq^r.

GOV. G. TO THE TRADERS OF PENNA. 1729.

Patrick Gordon, Esq. Lieut. Gov^r. &c.

To the Several Traders of Pensilvania with the Indians at Allcgheny and the other remote parts in or near to the said Province.

- Whereas, it is of the highest Importance to the Peace and Tran-

quillity of this Govern^t, that the friendship established by many Treaties and with the greatest Care between us and the Native Indians should be inviolably supported and maintained. But nothing will more effectually contribute to this good End than to observe exact Justice in dealing with them, and to treat them with Courtesy and Humanity, I have therefore thought fitt to require you, that each and every of you most strictly and carefully observe the Several following Rules and Injunctions, viz.:

That, as it is prohibited by a Law provided for that purpose, to furnish the Indians with Rum and other Strong Liquors, from the excessive use of which Disorders have frequently ensued, You are carefully to avoid that pernicious Practice.

That, when the Indians procure Supplies of Rum from their own People, or from any of their own Nations, or otherwise, by which they become disordered, You are at such time to avoid drinking with them on any acco^t or having any Commerce or Dealing with them.

That none shall use any means, directly or indirectly, to incense any Indian against any Trader or other white person there, but that you all Study Peace and a good Agreem^t amongst each other.

That all persons of this Province having goods to dispose of there, enter into a mutual Agreem^t to Sell and buy or receive at some one certain reasonable price, according to the value of the Goods, and that none attempt to undermine another in their Dealing, for from such Practices, Disgusts and Animosities amongst the Indians as well as others must inevitably arise, w^{ch} in so remote a Situation where no regular Govern^t is established, may in their consequences prove dangerous.

That, being from under the eye of all Magistracy, and having no opportunities of any Publick Divine Service, You endeavour to supply these by the regularity of your own Lives and Actions, that the Indians may have good examples before them of Sobriety, Temperance, Humanity & Charity, for by this means You will not only recommend your selves to their Esteem, but will beget the greater Regard and Veneration in them for his Majesties Govern^t, under which we are all so happy as to live.

If any Indians or Messages come thither from distant Nations or places, by all means learn the Import or Design of them, And as any thing worth notice occurs, Lett me be advised of it. As also, whether any persons come thither to trade from this Province without being duly Licensed according to Law.

In all your Dealings with the Natives, be punctually just, that they may be witnesses & approve of your honesty and Integrity. Use them on all occasions civilly, make Impressions on them of the Regard this Govern^t has, and always will have for them, so long as they behave themselves according to their Engagem^{ts} in their Treaties.

These are the Rules that for ye Peace of the Publick, and for your own Ease, Benefit and Security, I strictly require and enjoin on you

to be observed; And in so doing, You shall always have my Protection. Given under my hand & Seal of ye Province at Philad^a, ye 4th day of Octobr, 1729.

JAMES LOGAN TO TRADERS, AT ALLEGHENY. 1729.

To the Traders at Allegheny & elsewhere to whom the Govern^t Orders are directed.

These Orders being delivered to me to be forwarded, I am of opinion on perusing them that you will find them contribute so much to your own advantage as well as to the security and Honour of this Govern^t, that you will judge it highly necessary most punctually to observe them. But I must note on that article where you are enjoyn'd to agree amongst yourselves on some one certain reasonable price to sell, buy, and receive at. You are not only to take care that your prices be just and truly reasonable, but you must by no means pretend to the Indians that the prices you sett are by the Goven^{rs} Ap^{pointm}^t, for you may assure yourselves that the Governour will no way concern himself in this point otherwise than to caution you that none shall exact on the Indians on the one hand, and on the other that no Methods be used by any of you to provoke or incense any of them against others of the Traders. Since nothing will sooner move their Resentm^t than to persuade them they are over-reach'd; and from such Practices, Misunderstandings and Breaches of the Peace may ensue, to prevent which is undoubtedly the principal end of these Instructions. I heartly wish you success in observing them, who am,

Your Loving ffriend,
J. LOGAN.

Philad^{ia}, 6th of Oct^{br} 1729.

P. S. You ought also to make the Indians sensible of the care that is taken of them, tho' they are at so great a distance from us that they be well and civilly used.

COMMRS. OF TRADE &c., QUERIES TO GOV. GORDON.

Sir: -

My Lords Commissioners for Trade and Plantations command me to send you the inclosed Queries, relating to the Province of Pensylvania, and to desire your particular answer thereto as soon as may be.

I am, Sir,

Your most humble Serv^t.

ALURED POPPLE.*

Whitehall }
Decem^r, 9th 1726. }
Patrick Gordon, Esq.

* The replies to the foregoing are not found.

D. LLOYD TO ROBERT CHARLES, 1729--30.

Chester 4 Jan^y 1729.fr^d R. Charles,

I rec^d thy Lett^r last night concerning the two Comm^{rs}, I desire thou will please to acquaint the Governor, that before I left Town last time, I had acct^d from my family which obliged me to go home Sooner than I expected; so that I co^d not then possibly wait on the Governor to receive his comands therefore I hope he will excuse me. The Attorney General and Clerk of the Court with whom the Indictments & Examinations are allways lodged, could have showed all the proceedings ag^t the Criminals, and it was their Duty to draw up the Records thereof before this time, but whether that is done they have not yet tho^t fit to let me know. I do not remember that the Criminals seemed to the Court fit objects of Compassion, unless Mitchel be such who was charged Accessary to the Burglary. But in my humble opinion the proof was not full against him, however We acquiesced with the Jury's verdict.—And as for the other he justly deserves to die, And it may be of ill Consequences to spare him. All which I humbly submit to the Governors better judgem^t, and with respect remain,

Thy Lo. fr^d,

DA'D LLOYD.*

H. NEWCASTLE TO GOV. ON PRIZES.

Whitehall, January, 22d, 1729--30.

Sr.

I herewith send you the King's Order for the Cessation of Hostilities and Restitution of Prizes to the Subjects of Spain in America, in case such Hostilities are continued against them, or any Prizes have been taken from them by his majesty's subjects since the $\frac{1}{2}$ June 1728. And for your further Information, I inclose a printed Copy of the Treaty lately concluded at Seville, between his Majesty and the most Christian King on the One part, and the King of Spain on the other; to which the States General have since acceded. In the fifth Article whereof, and in the two Separate Articles, you will find the Stipulations in pursuance of which this Order is issued; and I also send you a Copy of the King of Spain's Cedula for the Cessation of Hostilities, and the like Restitution of Prizes on the part of his subjects, with a Translation of it; The Originals of which Cédulas are sent to the respective Vice-Roys and Spanish Governors in the West Indies, by the Captain of the Man-of-War that carrys these His Majesty's Orders to you, and other His Majesty's Governors in America. The Perusal of these several Instruments will so fully apprise you of His Majesty's Intention, that I need only add that

* See Col. Rec. Vol. iii., p. 395.

the former Orders from His majesty for the Cessation of Hostilities mentioned in the inclosed Letter under the Royal Sign Manual, are those which were sent to the late Rear Admiral Thompson dated the 25th March 1728, which he was to communicate to you; and tho' the like Orders sent at the same time to America from the Court of Spain, have been so ill obeyed, There is reason now to hope from the Readiness with which the present Cedula's have been issued, that an intire stop will now be put to those Depredations which the Spaniards have not ceased to commit against His Majesty's Subjects in America, and that the Spanish Governors will think themselves obliged to obey these Orders. His Majesty would therefore have you, if the like should happen for the future, make immediate application to them for Redress, pursuant to the King of Spain's Orders for that purpose, and send an Account of it, and of their answers and Behaviour, to one of His Majesty's Secretaries of State, for His Majesty's Information; that in case of a Refusal or Delay of Justice, Complaint of it may be made to the King of Spain; and His Majesty does strictly charge and require of you, that on your part you punctually comply with the Obligations of the Treaties subsisting between His Majesty and the Catholick King, that no occasion may be given to the Spaniards for making any Complaint on that head.

I am Sr,

Your Most humble Servant.

HOLLES NEWCASTLE.

Deputy Governor of Pensylvania.

ORDERS FOR CESSATION OF HOSTILITIES WITH SPAIN, 1730.

GEORGE R.

TRUSTY AND WELBELOVED, We Greet you well.

WHEREAS, upon the repeated Complaints which Our Minister at the Court of Our good Brother the King of Spain, hath, in pursuance of Our Instructions to him in that behalf, made to the said King and His Ministers, that His Subjects in America did continue to make Depredations, as if a War existed, upon Our Subjects; His Catholick Majesty has in the most express manner, signified His Pleasure to the Vice Roys of Peru and New Spain, & other the Governors and Officers of His Dominions in those parts, that the Orders for a Cessation of Hostilities, which he issued on the 25th of Aprill, 1728, in consequence of what had been stipulated by the Preliminaries & by the Convention signed at the Pardo, be strictly observed by all His Subjects, and that accordingly, all Prizes taken by them from Our Subjects in America, from the time of the arrival of his said Orders at Cartagena, mentioned in the said King's Cedula's to be on the $\frac{11}{22}$ June, 1728, be punctually restored, or in default thereof, the just value of the said Prizes and their Cargoes at the time when they were taken, & that Reparation according to Justice

be also given for any further Damage occasioned by the Detention thereof till the time of their being delivered up, excepting Seizures made on account of illegal Trade in the Places & Limits prohibited by the Laws and the Treaties of Peace and Commerce. Our Will and Pleasure is, that in pursuance of Our Orders formerly issued in that behalf, all and singular Our Subjects do forbear & abstain from all Acts of Hostility against the Subjects of Our said good Brother the King of Spain, and that if any Prize or Prizes have been, shall or be taken from His Subjects since the said $\frac{11}{2}$ day of June, 1728, full Restitution be made of such Prize or Prizes, or, in default thereof, of the just value of the said Prizes and their Cargoes at the time when they were taken, according to the Authentick Proofs & Vouchers of such valuation, that have been, or shall be produced by the respective Owners of such Prizes & Cargoes, who shall claim the same, & that Reparation be also given according to Justice for any further Damage occasioned by the Detention of such Prizes till the time of their being delivered up, excepting always any Seizures that may have been, or may be made on account of an illegal Trade carried on contrary to the Laws & the Treaties of Peace & Commerce, and that the Owners of the Prizes to be restored in pursuance of this Our Order, shall freely enjoy the same and their Effects, and carry them at their pleasure to their own Ports, & in the Execution of these Our commands, you are to have regard to, and to govern your self by what is stipulated in the Treaties of Commerce subsisting between the Two Crowns. And we do hereby strictly Charge & Command you, and all and singular the Officers & Ministers of that Our Province of Pensilvania in America, and all others whom it may concern to take due notice hereof, & to give ready Obedience accordingly; in order whereunto you are to take care that they be duly apprized of this Our Royal Pleasure and Intention in this behalf. You are also to transmit unto Us, or unto One of Our Principal Secretarys of State, an Account of your proceedings herein for Our Information. And so We bid you Farewell. GIVEN at Our Court at St. James's, the Twenty Second day of January, 1729-30, in the Third Year of Our Reign.

By His Majty's Command,
HOLLES NEWCASTLE.

[SEAL.]

Indorsed.

"Order to the Depty Gov^r of Pensilvania for the Restitution of Prizes, &c."

"His Majties Orders for a Cessation of Hostilities tow^{ds} y^e Subjects of Spain, His Cath. Matys. Orders for Restitution of Prizes, w^h his Grace of Newcastle's Directions, dated Jan^r 22d, 1729-30."

Direction—"To Our Trusty and Welbeloved Patrick Gordon, Esq^r., Deputy Governor of Our Province of Pensilvania, in America, and in his Absence, to the Commander in Chief of Our said Province, for the time being.

PENNSYLVANIA."

COMPLAINTS AGAINST SPANISH CRUISERS, 1730.

*Translation.

THE KING.

WHEREAS, there having been repeated Complaints by the English Nation, that cruising has been continued in America, by my Vassals, against the Subjects of the Crown of Great Britain, as if it were in a time of Warr, I have resolved that all my Vassals shall strictly observe the Order for the Suspension of Arms, dispatched the 25th of April last past, in consequence of what is stipulated by the Preliminaries of the Peace, and the Convention made at y^e Pardo, and that in conformity thereto, all the Prizes shall be restored, which have been taken from the said English Nation in America, since the Arrival at Carthagena, the 22d of June, 1728, of the Orders for the Suspension of Arms, dispatched in consequence of the said Treatys and Act of the Pardo; and in default thereof, the just value of the said Prizes and their Cargoe, according as it legally appeared to have been at the time they were taken. And also a Reparation for any further Damage sustained by the Delay, untill the time of Delivery, if it be just, except those prizes taken on account of unlawfull Trade, in those Places and Limits which are prohibited by the Laws and Treatys of Peace and Commerce, and that all those which have been taken, in each respective Territory, since y^e said time of the Arrival of the Orders for the Suspension of Arms at Carthagena, in relation to which there shall not have been the said Circumstance of an unlawfull Trade, and within the Limits forbidden by the Laws and Articles of Peace and Commerce, shall be punctually restored to the English Nation; and that the Proprietors of such Prizes, which conformable to this Disposition are to be restored, may freely enjoy them and their Effects, and carry them at their pleasure to their own Ports. This to be performed according to the Rules stipulated in the Treatys of Commerce, and the proper Informations of its having been thus executed to be transmitted to me. Therefore, I do hereby Order the Vice Roys of Peru and New Spain, the Governors and Royal Officers of the Ports of those Dominions, that they do strictly and punctually comply with this Determination, giving each of them so far as concerns his Government, the Orders and Directions which shall be necessary for its most punctual Observance. For this is my Will. Given at Seville the 14th of December, 1729.

I, the King,

D. JOSEPH PATINO.

[L. s.]

Direction.—"To the Vice Roys, Governors, and Royal Officers of the Ports of Peru and New Spain. Ordering them to restore to the English Nation, the Prizes which have been taken since the Notification of the Suspension of Arms.

Indorsed.

"Translation of the King of Spain's Cedula for restoring all the Prizes taken in America. Dated at Seville, the 14th Dec^r, 1729."

* Original on next page.

EL REY.

Por quanto siendo repetidas las quejas de la Nacion Ynglesa, de continuarse los Corsos en la America por mis Vasallos contra los Subditos de Aquella Corona, como si se estubiese en tiempo de Guerra; he resuelto que por todos mis Vasallos, se observe prezisamente la Orden de la Suspension de Armas expedida en veintte y cinco de Abrill del ano proximo pasado, en Consecuencia de lo prevenido en los Preheliminares de la Paz, y la Combencion hecha en el Pardo, y que en su Conformidad se restituyan todas las Presas, que se hubieren ejecutado en la America a la rreferida Nacion Ynglesa, despues de la llegada de las Ordenes a Cartagena, en veintte y dos de Junio de mill settecientos y veintte y ocho, para la suspension de Armas, expedidas en consecuencia de los citados Tratados y Actto del Pardo, y en su defecto el Justto Valor de las dichas Presas y su Cargazon segun lexitimamente consttare del tiempo en que se hubieren ejecutado. Yassimismo la reparacion de qualquiera otro Dano, causado en la retardacion hastta la Entrega, si fuere Justto, â excepcion de las Presas hechas por razon de illicito Comercio en los parages y en los limites que prescriben las Leyes y Tratados de Pazes y Comercio, y que ttodas aquellas que se hubieren ejecutado en cada respectivo territorio despues del rreferido tiempo de la llegada de las Ordenes de la suspension de Armas â Carttagena, en que no hubiere concurrido la enunziada zircunsttancia de illicito Comercio, y dentro de los limites que previenen las Leyes y Capitulos de Pazes y Comercio se restituyan prezisamente a la Nacion Ynglesa y que los Propietarios de las tales Presas que conforme a esta Disposicion se deven restituir puedan usar libremente de ellas y sus efectos y conduzirlos a su Voluntad a sus Puerttos arreglandose a lo estipulado en los Tratados de Comercio pasando â mis manos las Justificaziones combenientes de haver se ejecutado assi. Por tanto mando a los Virreyes del Peru y nueba Esapna, Governadores y Ofiziales Reales de los Puerttos de aquello Dominios cumplan prezisa y puntualmente esta Deliveracion, dando cada uno, por lo respectivo a su Governacion las Ordenes y providencias que fueren necesarias para su mas exactta Observancia, que assi es mi Voluntad. Fho en Sevilla â Cattorze de Diziembre de mill settecientos y veintte y nuebe.

Yo el Rey,

D. JOSEPH PATINO.

[L. s.]

Direction.

"A los Virreyes, Governadores y Ofiziales Reales de los Puerttos de Peru, y nueba Spana; Ordenandoles restituyans a la Nacion Ynglesa, las Presas que se hubieren hecho despues de la Notificazion de la Suspension de Armas."

Indorsed.

"Copy of the King of Spain's Cedula for restoring all the Prizes taken from the English in America. Dated the 14th Decemr., 1729."

INSTRUCTIONS RESPECTING DUTIES FOR SEAMEN, 1730.

[SEAL.] Additional Instruction to Our Trusty and Well-beloved Patrick Gordon, Esqr., Deputy Governor of our Province of Pennsylvania, in America, Or to the Commander in Chief of Our said Province for the time being. Given at Our Court at St James, the Second Day of Febr^y, 1729-30, in the Third Year of Our Reign.

Whereas, the Commissioners appointed for collecting the Six Pence Per Month from Seaman's Wages, for Our Royal Hospital at Greenwich, pursuant to an Act of Parliament, pass'd in the Second Year of Our Reign, Entitled, *An Act for the more effectual collecting, in Great Britain and Ireland, and other Parts of his Majesty's Dominions, the Duties granted for the Support of the Royal Hospital at Greenwich*, have given Instructions to their Receivers in fforeign Parts for their Government therein; It is therefore Our Will and Pleasure, that you be aiding and assisting to the said Receivers in your Government of Pennsylvania, in the due Execution of their Trusts: And for your Information, We have graciously been pleased to annex hereunto a Copy of the Commissioners Instructions to such Receivers.

G. R.

Indorsed—"Additional Instructions to the Deputy Governour of Pennsylvania, touching Greenwich Hospital Money."

LETTER—GREENWICH HOSPITAL TO GOV, 1730.

Receiver's Office for Greenwich Hospital on Tower Hill, }
14th Febr^y, 1729-30. *}*

Sir :

By an Act of Parliament, passed in the 2d Year of his Maj^{ties} Reign, it is enacted that all Seamen (his Maj^{ties} Subjects) employed in Ships or Vessels belonging to his Maj^{ties} Dominions in America, & Trading there, shall pay Sixpence per month out of their wages, towards the Support of the Royal Hospital at Greenwich; which Act we have the honour of sending enclosed to Your Excellency, together with his Maj^{ties} Instructions to You, to be aiding & assisting to the Officers by us appointed to Collect & Receive the said Duty in Your Excellencys Government. We also send You a List of such as we have appointed, & pray Y^r Ex^c will be pleased to give them Your countenance & protection in the Execution of their Duty, being with great respect.

Your Excellencys

Most Humble Servants,

W. YOUNG.

W^m. ALLIX.

To His Excellency Govern^r Gordon,
Pensylvania.

LIST OF RECEIVERS FOR GREENWICH HOSPITAL, 1730.

List of the Receivers of the Greenwich Hospital Duty in Pennsylvania :

Names.	Places.
Rich ^d Fitzwilliam, Esqr., Inspector General,	Philadelphia.
Jn ^o . Moore,	Newcastle.
Alex ^r Keith,	Lewis.
Henry Brooke,	

REPORT OF COMMRS. ON LANCASTER COURT HOUSE, 1730.

To the Honourable Patrick Gordon, Esqr., Governour of the Province of Pensilvania.

Whereas, by an Act of General Assembly of this Province for Erecting the Upper part of the Province into a County, called the County of Lancaster, It was Enacted that it might and Should be Lawful to and for Caleb Pearce, John Wright, Thomas Edwards and James Mitchell, or any three of them to Purchase a piece of Land Scituate in some Convenient place, in the said County, to be Approved of by the Governour, Whereon to build a Court house and Prison for the Use of the said County.

These may Certifie the Governour that we, the Subscribers, After much pains and diligent Search for a proper place for the aforesaid Use, for the Ease and Accomodation of the Majoraty of the Inhabitants, Have agreed upon a Certain lot of Land lying on or near a small Run of Water, Between the Plantations of Rudy Mire, Micheal Shank and Jacob Imble, And being about Tenn Mile from Susquahanah River, which we conceive to be the most Convenient for the Use afore^d. And we pray the Governour would please to Approve and Confirm the same, that we may proceed to purchase and Build as the said Law Directs.

CALEB PEIRCE,
JNO. WRIGHT,
JA : MITCHELL.

[Among the archives is a map of the surrounding country, and also an outline plan of the town. See Colonial Records, vol. iii., p. 404.—1730.]

CONFIRMATION OF COMMRS. REPORT LANCASTER Co. 1730.

P. G. Esqr. to all to whom these Presents shall or may come Greeting :

Whereas, by a Law of this Province, Entitled An Act for erect-

ing the upper parts &c., it is Enacted that all and singular the Lands within ye P. of Penya^a lying to ye Northw^d of Octeraroe Creek, & to ye Westw^d of a Line of mark, trees running from ye North Branch of ye S^a Octeraroe Creek North Easterly to ye River Schuylkill, be erected into a County named & from hence forth to be called Lancaster County, & amongst other things It is likewise by the said Law further Enacted that it shall & may be lawfull to & for Caleb Pearce, (as in the Act).

And Now, Whereas, ye said C. Pearce, I. Wright, & J. Mitchel, have by a Writing under their hands bearing Date _____ certified to me that they have agreed upon a certain Lott of Land lying on or near a small Run of water between ye Plantations of Roody Mire Michael Shank & Jacob Imble, ab^t ten miles from Susquehannah River, as the most proper Place for the uses af^a & most convenient for the Inhabitants of ye s^a County of Lancaster, & have thereupon pray'd my approbation of ye same Know ye therefore that I have approved & do by these presents Approve Ratify & Confirm what they ye s^a C. P. J. W. & J. M. have done as af^a hereby Requiring them to proceed in taking assurance to them & their, Heirs in Trust & for the use of ye s^a County, of the Lott of Land described as af^a & that thereon they cause a Court house & Prison, to be built pursuant to the Directions of the s^a Act. In witness whereof I have caused the Lesser Seal of ye s^a Province to be hereunto affixe'd. Given under my hand at Philad^{ah} 17th Feb. 1729-30.*

Indorsed.—"Certificate, C. Pearce, J. Wright & J. Mitchel, of ye Place for Lancaster Courthouse & Prison, & Copy of the Govern^{rs} Approbation thereof.

ADMIRALTY TO GOD FOR INFORMATION, 1729-30.

ADM'TY OFFICE, 25 February, 1729.

Sir :

I am Commanded by my Lords Commiss^{rs} of the Admiralty to desire that you will transmit to this Office by the first opportunity, the Names of the Judge, Register, Advocate, and Marshal of the Vice Admiralty of Pensilvania whereof you are Governor, and when, and by whom they were appointed, whether by Commissions, or Patents, from the High Court of Admiralty, by Virtue of Warrants from this Office, or the Governor or Commander in Chief of the said Government, and I am further Commanded by their Lordships to desire that you will not appoint any Persons to act in any of those Employments unless Vacancies happen by Death, or any other unforeseen Accident, and that even in such case, they be such who are

*See Col. Rec. Vol. II1, p. 405.

best Qualified for the same, their Names and the Employments you appoint them to, their Lordships desire you will, by the first opportunity transmit to them, that so they may be Authorized, by their authority, legally to Act therein. And if upon your receipt hereof, there shall be a want either of a Judge, Register, Advocate, or Marshal of the Vice Admiralty in your Government. I am to desire you will let their Lordships know it, with the Names of such Persons who you shall be thoroughly satisfied are best capable of executing the same, that so they may be appointed thereunto in order to the more regular proceedings of the said Vice Admiralty Court, in all matters which may judicially come under their Cognizance, and it is their Lordships desire, that you will give all Possible Countenance and Assistance not only to the Judge, but the other Officers of the Court, in the due Performance of their respective Duties in regard it is absolutely necessary but more especially on the Account of his Majesty's Trading Subjects.

I am Sir,

Your most humble and

Obedient Serv^t.

J. BURCHELL.

Patrick Gordon Esq^r. Gov^r. of Pensilvania.

THE DELAWARES TO GOV. ON A MURDER, 1730.

To the Honourable Governor of Pensilvania:

Wee the Subscribers the Chieffs of y^e Delawares att Alleegaeen-
ing on the main Road

Do hereby Certifie to the Govenour as far as wee know Concerning the Death of one white man Lastt fall and Another Shott Through the Legg and Broke It, none of us being p'sent att y^e actions butt have made Due Enquierie and find Thereon Thatt Some of our people was going Down This River a hunting Two of the Shoahmokin Traders viz John Ffisher and John Hartt wentt allong and when they was Gott above a hundred miles Down our people proposed to fire huntt by makeing a Ring, The white men would go allong our people would have Disswaded them from Itt alledgeing they Did nott understand itt and might receive Some harm Butt they Still persisted in itt So all went Together wherein y^e s^d John Hartt was Shott in at y^e mouth and y^e Bullett Lodged in his neck And So was killed butt by whom wee Cannot Learn which wee believe to bee accidental and nott on purpose.

As to the other David Robeson hee being att a freend's house aboutt twenty miles Distantt from hence Henery Smith being there with Rum The Indians Gott Drunk and a Certain man Belonging to the five Nations being formally Taken a prisoner by them and there being in Drink Gott hold of a Gunn a Shawance woman there p'sent

Seized on y^e s^d Gunn and by Strugling The Gunn wentt of and Shott y^e s^d David as affores^d as soon as y^e Gunn was Discharged and y^e man wounded our fr^d affores^d Imediately Took y^e s^d Gunn from him by Violence and Broke itt over him and the Chieff Mingue In This Town Took Charge of him for Some Time till there Came a Company of y^e five Nations by and they Took him away with them Leastt by the means of Drink hee mightt do some further mischeiffe.

Wee are very sorry that there should happen any Such Accidents amongstt us and as wee are all one people wee Cannot butt Lamentt allong with you And for to preventt any further misfortunes for The future wee Requestt Thatt The Governour would Please to Regulate the Traders and Suppress Such numbers of them from Comeing Into the woods and Esspecially from bringing such Large quantities of Rum And also such as Do nott understand us nor wee Them Thatt The Chain of friendship may bee kept Brightt between us and y^e Governmentt and thatt good Understanding mentained as has always been In Pensilvania between us Is y^e Earnestt Requestt of the Subscribers on behalfe of Themselves and the Restt of our Brethren Residing here who together with us Salutes you And so wee Remain and Continue your friends and Brethren

Aprill ye 30th, 1730.*

Interpreted by me,
JAMES LETORT.

Taken down by me,
EDM^a CARTLIDGE.

Witness,
JOSEPH DAVENPORT,

His
MUK ✕ QUN,
marke.

His
KEAKEEN ✕ HOMMAN,
marke.

His
SHAWAN ✕ NOPPAN.
marke.

His
QUOOWA ✕ HAUNE.
marke.

His
LAMOOR ✕ AN.
marke.

His
QUECKOCK ✕ AHWIN.
marke.

TOLLES.

Directed—To the Honourable Governor of Pensilvania these.
By Edm^a Cartlidge.

Indorsed—Letter from the Indians at Allegheney, Ap. 20th, 1730.

* The foregoing is not noticed on the printed minutes—there being none between April 9th and Aug. 6th.

REPORT TO COUNCIL ON PASSES, 1730.

At the Court at St. James's the 18th day of December, 1729.

[L. s.]

PRESENT:

The King's most Excellent Majesty in Council.

UPON reading at the Board a Report made by the Commiss^{rs} for Executing the Office of Lord High Admiral of Great Britain, to the Lord Viscount Townshend His Maj^{ty} Principal Secretary of State, dated the 10th of this Instant in the Words following, Viz^t.

"We have received your Lordships Letters of the 29th past, inclosing Extracts of two Letters written from Algiers to the Duke of New Castle, relating to Our Passes being gotten into the Hands of Foreigners, & signifying to us His Maj^{ty} Pleasure to consider this matter & lay before him Our Opinion what may be proper to be done in it, and in answer thereto, We do acquaint your Lordships that, in Our Opinion the best way of depriving Foreigners of this Clandestine Use of Our Passes, will be to change the present Form of them, and herewith We send your Lordship a Draught of a New Form for Passes, which We humbly propose His Majesty will be pleased by His Order in Council to Direct, shall be issued from the 1st of March next, instead of those now in Use.

"We further propose that His Majesty will be pleased to declare by His Royal Proclamation that the Passes of the present Form shall continue in force no longer than Twelve Months from the 1st of March next, (excepting such as have been granted to Ships gone or going to the East Indies, or other remote Voyages where they cannot be timely furnished with new Passes) and to Direct all such as have old Passes in their Possession, to return them into this Office, or to the Collectors of the Customs at the out Posts of this Kingdom and Ireland, or to His Maj^{ty} Governors abroad, and to take out Passes of the new Form in their stead.

"And whereas many of Our Merchant Ships continue several years trading from Port to Port in the Mediterranean without returning home, whereby they cannot so conveniently get their Passes exchanged, We propose that upon the Application of any Owner of such Ships, or other Substantial Merchant to this Office, and His making Oath of the Property of the Ship, & that Three Fourths of the Company are His Maj^{ty} Subjects according to the Act of Navigation, and entering into the usual Bond for the Return of the Pass at the end of the Voyage, We may be Empower'd to make a new Pass, and send the same to such of His Maj^{ty} Consuls in the Mediterranean, as the said Owner or Merchant shall desire, with Directions to the Consul upon Application to him from the Master of the Ship for which the Pass is made out, and Surrendering up His old Pass, and entering into a like Bond for the Return of such new Pass, to deliver out the said new Pass to him transmitting the old one, with the Bond, to this Office.

“As to what is desired by the Government of Algier, that one Half of the Seamen in Vessels belonging to Minorca and Gibraltar may be English, the same is impracticable, there being few or no English Seamen at those Places, but to prevent as much as possible any Abuse from Foreigners, We propose that for the future the Ships & Vessels belonging to Minorca and Gibraltar shall be furnished with Passes of a Form peculiar to themselves, a Draught of which we send your Lordship herewith, and that after Twelve Months from the 1st of March next their present Passes shall be void. These new Passes being lodged with the Governors of those Places and issued out only by them, according to the Regulations settled in Council in 1722, (Copies of which We shall send them) and if His Majesty shall be pleased to send Directions to them to be very careful in giving them out to none but His Maj^{ty} real Subjects Inhabiting those Places, and to conform strictly to the Regulations will be the best Expedient We can think of for preventing Frauds of this kind for the future.

“We take this occasion to propose, that in addition to the present Rules for granting Passes, Established in 1722, His Majesty will be pleased to order in Council, that the proper Officers of the Customs in Great Britain and Ireland, do demand from the Masters of Merchant Ships, so soon as they return into Port from a Foreign Voyage, the Passes in their Possession; and that if the same are of a longer Date than Twelve Months for Ships & Vessels Trading on this Side the Streight’s Mouth, or if the Voyage be determined for Ships & Vessels Trading to a greater Distance, they do return the said Passes to this Office, otherwise to certify hither the names of such Masters who shall refuse to shew, or deliver up their Passes, and of the Ships, that We may give Directions for putting the Bond in Suit.”

His Majesty this Day took the said Report into Consideration and judging it necessary to put a speedy Stop to such indirect Practices, which tend to the Prejudice of His Maj^{ty} Trading Subjects and may occasion a Misunderstanding between His Majesty and the Governments on the Coast of Barbary, was pleased with the Advice of His Privy Council to approve thereof, and also of the Two Forms of the new Passes, which are hereunto annexed; and hath accordingly Directed the necessary Orders to be issued thereupon, for the preparing a Proclamation, and for the carrying the several Parts of the said Report into Execution: And His Majesty doth hereby order that the said Commissioners for Executing the Office of Lord High Admiral of Great Britain &c., Do cause the said New Passes to be issued from the 1st of March next, and do give the necessary Directions thereupon, according to what is proposed by them in their said Report, and as to them may appertain.

JA: VERNON.

Adm’ty Office, 14 May, 1730.

A true Copy, J. BURCHELL.

Indorsed.—“Copy Order of Council touching Mediteranean Passes.”

ADMIRALTY TO GOV. RESPECTING TRADE.

ADM'TY OFFICE, 14 May, 1730.

Sr :

In addition to my Letter to you Dated this Day, relating to the Passes of the New Form, I am Comanded by my Lords Comm^{rs} of the Adm'ty to send you herewith a Printed Copy of his Majesty's Order in Council, relating to the issuing of such Passes, & settling the Fees to be taken for the Secretary, & Clerks of this Office, not only for a New Pass, but for one which shall be only renewed, conformable whereunto their Lordships desire you will Govern yourself.

I am also Comanded by their Lordships to desire that the greatest Care may be taken to oblige the Surveyor, or proper Officer of the Customs to go on board every Ship or Vessell, for which a Pass shall be desired, & not only to Survey her but to satisfy himself thoroughly as to her property, before he grants a Certificate, that so no Pass may be issued but to those who have a right to the same, according to the Rules Established by his Majesty's Order in Council, which you will receive with my former Letter. You will find by his present Majesty's Order in Council, the Fee for a Pass, when a Ship or Vessell hath not had one before is Twenty five Shillings Sterling, & that the same Fee is to be paid, when if a Pass is delivered before, the same is not return'd upon Application for another, as also where any Part of the Property or Description of the Ship or Vessell, or her name, shall be altered since the time of her receiving a former Pass. That where a Pass shall be applyed for, & it shall appear by the Certificate of the Surveyor & Oath of the Master, of the Ship or Vessell, that the Property of her is in the same Persons, & the Description & Name of her, are the same, as in the Papers, by which a former Pass was granted, & that the said former Pass is delivered up, the Fee for another Pass (which is to be reckoned only as renewed) is to be only fifteen Shillings Sterling. These Fees, established by his Majesty's Order in Council, you will please to cause to be from time to time, received for myself & the Clerks of this Office, & that the same may be transmitted hither once in every half year, together with an account of what Passes are delivered out, according to the Scheme which you will receive herewith.

I am also Comanded to desire that you will by the first Opportunity transmit to this Office, not only all the Old Passes of the Old Form which may be in your hands, but such of the New Form also as shall from time to time be returned, & that you will cause both one & the other to be Cancell'd. And I am also Comanded by their Lordships to desire, that when Passes are not returned by the time limited in the Bonds, you will cause the Penalty in the said Bonds to be put in Suit, & recovered, unless it shall appear by Authentick

Affidavit, that the same have been lost by Shipwreck, or any other unavoidable Accident.

I am Sir,

Your most humble Seryant,
J. BURCHELL.

Direction.

"Patrick Gordon, Esq^r., Gov^r. of Pensilvania."

ADMIRALTY TO GOV. 'ON PASSES, 1730.

ADM'TY OFFICE, 14 May, 1730.

Sir :

His Majesty having been pleased, at the desire of the Dey of Algiers, to direct by His Order in Council, bearing date the 18 Dec^r., 1729, (which you will receive herewith,) that the present Passes to Ships & Vessells belonging to his Subjects, for Securing them from the Cruizing Ships of Barbary, shall be altered, & that Passes of a New Form shall be issued, according to the Rules Established by his late Maj^{ty}s Order in Council, dated the 14th day of June, 1722, I am Comanded by my Lords Comm^{rs} of the Adm'ty to transmit to you an attested Copy of the said Order in Council, & of the Methods thereby required to be taken in granting Passes, & to Signify to you their Lordsp's desire, that you will take all possible care in issuing the aforesaid Passes according thereunto, Twenty whereof are herewith sent you, as others will be from time to time, as there may be occasion for them : And it is their Lordsp's desire, that no Pass may be granted by you, until the Naval Officer shall have Certified the Burthen of the Ship, her number of men, Guns, &c^a., in order whereunto I send you Three Certificates, to be made use of by the aforesaid Naval Officer, which you will please to cause to be delivered to him, with proper Instructions for his Guidance therein according as is directed by the aforesaid Order in Council.

I also send you herewith Twenty Oaths to be taken by the Masters of Ships & Vessells, as to the property of them, & the like number of Bonds to be entered into by the said Masters, & One of the Owners, or if such Owner be not present, some Substantial & responsible Person, in conjunction with the Master, for the returning of the Passes, according as is required by his late Majesty's aforesaid Order in Council, in 1722 ; And you will also receive one of the Passes of the New Form, together with an Oath, & a Bond, all filled up for your Guidance.

And his Majesty having issued his Royall Proclamation, declaring that the Passes of the Old Form shall continue in force no longer than Twelve Months from the 1st of March last, I send you herewith by their Lordsp's Comand, One of the said Proclamations, &

am to Signify their desire to you, that you will with the greatest care & caution, govern yourself accordingly, as farr as the same may relate to you; And you will please to Cancell all such Passes of the Old Form as shall be returned to you, & carefully transmit them by all convenient opportunitys to this Office; You will also please in like manner to send hither the Bonds & Oaths for the Old Passes; As also the Passes of the New Form which shall be issued by you, when they are returned to you, & Cancelled, at the expiration of the time limited by the aforesaid Order in Council, in the year 1722.

And since by the said Order it is directed that an exact Register shall be kept in this Office of all Passes issued out, I send you herewith a Scheme, according to which their Lordsp's desire, you will keep an account of all such Passes as you deliver out, & that you will, conformably thereunto, transmit to this Office, by all convenient opportunitys, exact accounts to what Ships or Vessells they are so delivered.

And it being absolutely necessary that the utmost care should constantly be taken as to every particular contained in the aforesaid Order, & Rules for granting Passes, I am Comanded by their Lordsp's to desire, that in case of your being Recalled from your Government, or that any other accident should happen to prevent your putting the aforesaid Order in Council, & Rules in execution, you will cause the same together with such Passes as may be in your Custody, & all other Papers relating thereunto, to be entirely delivered to the next Comanding Officer, that so he may take effectuall care to comply therewith, until a Succeeding Governor shall arrive, which their Lordsp's desire, the said Comanding Officer will do, & that he will then deliver the same to the said Governor, that so they may constantly remain in the hands of the Comanding Officer for his guidance.

And since his late Majesty hath been pleased by his aforesaid Order in Council, to direct that Twenty Five Shillings shall be demanded & received for every Pass which shall be issued out, I am to desire, you will please to cause the same to be done, & that the money may be remitted to this Office, by all convenient Opportunity's for the use of Myself & the Clerks belonging thereunto, by such Person as shall receive the same, and that whatever doth remain in his hands upon account of the Old Passes issued out, may in like manner be remitted hither: And whenever there may be occasion for a Supply of Passes, I desire you will give me timely notice thereof, that so care may be taken to send them to you.

I am Sr,

Your most humble Servant,
J. BURCHELL.

Direction.

"Pat. Gordon, Esqr., Govr. of Pensilvania."

MEMORIAL ON TRADE WITH INDIANS, 1730.

To the Honourable Patrick Gordon, Esq^r. Govern^r of Pensyl-
vania, &c.

The Humble Petetion of the Subscribers Sheweth:

Whereas, the promotion of ye European Trade is Cheiffly held up by makeing Imediatt Ruturns to Greatt Brittan, in Skinns, furr, &c., and your petetioners for some years pastt have had a considerable Share In the promoteing thatt Branch of Trade by Venturing Themselves and Goods further than any person formarly Did, whereby they Gott Larger quantities of Skins and furr, and Dissposed of more Goods than had been for many years before to ye Greatt advantage of ye Trade, And This Lay Cheiffly betwixt your petetioners for about three years: and as ye Trade In thatt place, Viz: Alleeganeeing Consists In Giveing Large Creditt to ye Indians In the fall of the year: which, while ye Trade Lay betwixt us, They would honourably pay in the Spring, Till Severall new Traders, Such as had been your petetioners Servants, and other Idle fellows Sott up for Trade, and there Broughtt a Small percell of Goods and Large quantities of Rum In the Spring of ye year when wee Should have Rece^d our pay, and thereby under Selling us In their Goods, and so Debauching them with Rum hindred us from Getting our pay as usually, So thatt now The Indians Stands Indopted to us near two Thousand pounds worth of peltry, which Renders and makes us uncapeable of makeing Ruturns to Disscharge our merchants as formarly.

Whereupon, wee humbley pray Thatt your Honour will bee pleased In your Wissdom and Clemencey To Concertt such measures And means as shall to you Soom meett for the Reliefe of your petetioners, by Lessoning the number of The Traders And Confering ye Trade on a Certain number, Such as Shall bee Doomed and thoughtt fitt and proper, which will nott only Be for ye promotion of Trade And ye Releife of your petetioners, In Relation to their families and Credetors, Butt also for the keeping up and mentain- ing Thatt unity and Good understanding which has been between this Governm^{tt} and The Indians, Is The Humble Requestt of your pete- tioners, as well for ye publick Safety and peace of this province, as their own privatt Interests. And your petetioners As In duty Bound Shall Ever pray, &c.

EDMD. CARTLIDGE,
JONAH DAVENPORT,
his
HENRY \bowtie BALY,
marke.

Gov. TO THE INDIANS ON ALLEGHENY, 1730.

ffriends and Brethren :

I shall now write to you fully concerning the Trade that you complained of in your Letter, And Shall first Say, that all the Mischief, all the Unhappiness that befalls you, is generally owing to the abuse of that destructive Liquor Rum of which you are so fond, that you will not be denied it. You know, or have heard, that your good father William Penn, and the Governours he Sent over hither to rule in his Stead, have made many Laws to prevent your being hurt by Rum, but your people have alwayes acted against those Laws by buying it privately and out of sight from ill people who will doe any thing in the dark for their own Gain. But because I very well know that when you come home from the Woods you must have a Dram, I therefore order all the Traders that when you have finished your hunting and return with your Skins to your ffamilies, those you pay your Skins to shall give you Some Drink to chear you, but at all other times you should forbear it, because we very well know it hurts, nay, it even destroyes you, and at the Councils your People have held with me, the Old men whose advice you should take, have complained of the Abuse and great injury you receive by it. They complain that for drink you give away all the fruits of your Labours, and are left naked and poor as if you had never hunted at all, for this reason I have forbid all those that deal with you to carry any Rum into the Woods, more than may Serve for a Small dram to themselves and some to give you as I have Said when you come home with your Skins from Hunting.

Now I hope you will all be well Satisfied with this as it is for your own Good, and then I shall be pleased to hear that my brethren take care of their health and behave themselves Soberly like Men of Thought and understanding, for I am desirous of your Good and Preservation, as I am,

Your true friend and Brother.

Philad^a, 27th day of May, 1730.

Gov. TO INDIANS AT ALLEGHENY, 1730.

My friends and Brethren :

I have recv^d your Letter dated at Allegheny, wherein you acquaint me with the unfortunate Death of one of our People and the disabling of another, both shott by Indians. This Account has given me a very deep Concern, for as I have given the strongest proofs by Causing not long since two of our Men to be executed by a legal Trial, in Satisfaction for ye Death of some of your Nation, I was in hopes that you would have taken the same effectual care to have

justice done to the utmost in case of any such Accident on your part. And therefore, tho' I take your Letter very kindly as a proof of your being truly our friends and Brethren, Yet you very well know that Justice requires nothing less than blood for blood, and one Life for another when a person is killed Designedly, and for this reason I expect you will make a most diligent Inquiry for the man who shott him that is dead, and if it shall appear that it was done otherwise than by meer Accident and without design, that then the Offender shall either dye for it or be delivered up to us that he may be tried in ye same manner as our People are in such cases. But if it shall appear that the unhappy man lost his Life by Accident and not design, then both he and you may assure yourselves that no harm will be done to him that shott him, otherwise than to keep him secure till he can be tried, and I expect as you are honest men and our brethren you will take effectual care to answer what I have here mentioned and must insist on. I must further Say, it was ill done in those of the five nations to take from you & carry away the man that Shott the other, who has lost his leg & is now entirely disabled (I hear) from getting his livelyhood, So that he must in all probability be maintained by others.

I am on this occasion to putt you further in mind of the Death of the White man near Pextan, who was killed about 2 years agoe by an Indian. I was told he who did the Act was not of your Nation, but if he can be mett with, I desire he may be secured and brought hither that Justice may be done, and in this all the Nations of Indians about us will wash themselves clear of the blood that has been shed, which now lyes unsatisfied for, and cries aloud for vengeance to heaven, which will alwayes hear the Cry of blood. Lett us, therefore, my Brethren, purge it off & wipe it away, that our hearts & hands may all be clean and that no blood may Stick on any of us or on any of our people, but that we may stretch out pure and unstained hands to each other when we meet, and so embrace each other. And herein I desire you to consult gravely and wisely with your old experienced men in your Counsels, as we doe in all cases where you our brethren are concerneed, that so we may all be true to each other.

I am also troubled you have occasion to complain of the managem^t of Trade amongst you by unskilful and unexperienced hands. I design to take care to regulate all abuses herein of which you shall hear further.

I heartily & earnestly recommend this Letter to you, and shall expect you will take due care to comply with it, for so you will more & more engage me to be, as I alwayes hitherto have been,

Your true friend & Brother.

ADMIRALTY ON PASSES, 1730.

ADM'TY OFFICE, 32d June, 1730.

Sir :

Having sent to your Government Thirty Passes in the year 1722, & Twenty more in Sep^r, 1729, by Comand of my Lords Comm^{rs} of the Adm'ty, to be delivered out to such Ships of his Majesty's Subjects as should want them for their Protection against the Rovers of Barbary, & having not received any Account from you, or your Predecessors, of any more being issued than Eleven, I send this to desire that such of the Old Passes as are unissued & remaining in your hands, may be returned to this Office, by the first opportunity ; & you will please to send me likewise an Account to what Ships you have issued the rest, & to order your Secretary, or who else you have entrusted with that Business, to Account with me for the Fee settled by his Majesty's Order of Council on me & my Clerks, a Copy whereof is lodged at your Government.

I am, Sir,

Your most humble Servant,

J. BURCHELL.

Patrick Gordon, Esq^r, Gov^r of Pensilvania.

E.

A. SPOTSWOOD TO GOVR. ON POST OFFICE, 1730.

GERMANNA, July ye 31st, 1730.

Sir :

I now sending the bearer, Mr. William Russell, to transact & prepare Matters for Setling a regular Post Correspondence, which may reach so far Southward as through the Colony of Virginia, I take occasion to Notify to your Honour my being charged with the Care & Conduct of His Majesty's Posts within your Government, as well as through all the Provinces on ye Continent of North America & Islands in ye West Indies; and as I cannot doubt of your good Disposition to Countenance an undertaking which is entirely calculated to benefit Trade & promote his Majesty's Revenue, I rest assured that the Post Officers will under your Administration meet with all needful Protection, which must engage me to lay hold on every occasion to testify that I am

Sr, Your Honour's

Most Obedient Humble Servant,

A. SPOTSWOOD.

The Hon^{ble} Govern^r Gordon.

GOV'R TO N. SPOTSWOOD ON POST OFFICE, 1730.

ANSWER.

Sr:

I had yours by Mr. Russell, and as a due encouragement for promoting his Maty's Revenew and the Benifit of trade is not only very just and absolutely necessary, I assure nothing shall be wanting on my part that may contribut to answer the good ends proposed in your Establishing of regular Stages for carrying on a frequent Correspondence by the post office. I hartily wish you success, and am, Sir, Indorsed.—July 31st, 1730.

MEMORIAL ON INDIAN OUTRAGE, 1730.—MATTOX, &c.

To the Honourable Patrick Gordon, Esqr, Governor of the Province of Pensylvania, Kent and Sussex upon Delaware.

The Humble Petition of Anthony Saduskus, John Maddox and John Fisher, Indian Traders, Showeth :

That they are a Company of Traders among the Natives, and had under the Direction of John Maddox the value of five Hundred Pounds in European Goods at Allegany in 1729 :

That sometime in the month of June the same Year, the Mingoe Indians brought fourteen Cags of Rum from Albany, whereupon the Delaware Indians Sold all the Goods they had in order to purchase the Rum of the Said Mingoes, and not having sufficient to purchase the whole, they came to the Store of John Maddox aforesaid, demanding of him a Parcel of Goods upon Credit ; which he refusing, they fell upon him, beat and wounded him sorely, alledging they would have the Good and Even take them by Force :

Your Petitioners fearing the Consequence of their Resolutions, thought it most proper to deliver them the Goods they demanded, and accordingly delivered five Pieces of Strowds, twenty Shirts, one Piece half Ticks and Some Small Goods, the whole value thereof being about One Hundred Pounds, for which they have to this Day not Received any satisfaction.

Your Petitioners therefore Humbly Pray that your Honour will be Pleased to give your Directions to the Chief of ye Indians, (viz.,) Allommapees, Shackachtan, and to Great Hill, at Allegany, directing them, that those Offenders may be ordered and obliged to make us Satisfaction, and that they Desist from the like Depredations for the future : and Your Petitioners as in Duty bound Shall Ever Pray.

ANTONY SADOWSK.
JOHN MADDUX.
JOHN FFISHER.

Philadelphia, August ye 8th, 1730.

CASE OF JOHN MATTOX, 1730.

My Friends & Brethren :

A very heavy Complaint has been made to me by John Mattox of an Abuse he has suffered from some of your People, which has given me great Uneasiness, for I could scarce beleive any of our Indians would have been guilty of it.

I am told that in June, 1729, some Indians of the five Nations brought fourteen Cags of Rum from Albany to Allegheney, & that our Indians there were so desirous of having it, that they sold all the goods they had to purchase it, but not having enough to buy up the whole Quantity of Rum, they went to John Mattox's Store and would have him give them Goods upon Credit, which he wisely refused, well knowing to what Use they would be applied; whereupon they beat and abused him in so gross a manner, that he was obliged to suffer them to carry off five pieces of Strowds, twenty Shirts, one peice of half Ticks & some small Goods, for which he has not yet received the least satisfaction. Now, My Brethren, you cannot but be sensible, that this Proceeding is directly contrary to the many & repeated Treaties that have passed between us, by which we have mutually promised to be just and faithfull to each other; and you all know the great Care we have still taken to do you Justice when any Complaint has been made of our People, and it is but just that you should show the like Disposition, when Wrong is done to any of the English; and therefore I desire that you will call before you the Persons who took away the said Goods, whose Names Mattox will give you, and lett them know that I expect that they will make Satisfaction to him for what they have unjustly taken away, for we must be honest & just in our Dealings with each other, if we wish to preserve that Friendship and good Understanding which has been hitherto kept up between us, and I must insist that you make those Indians sensible of their Folly and Rashness, and that I will not allow any such Insults to be offered to our People, but in every such Case will expect that the Offenders shall not goe unpunished.

I am

Your Loving Friend & Brother,

P. GORDON.

Philadelphia, August 20th. 1730.

To my good Friends & Brethren,

Allummapees, Opekassete, Mechouquatchugh,

& others of the Chiefs of the Delaware Indians.

INDIAN COMPLAINT AG'T. J. MIRANDA, 1730.

To the Justices of the County of Lancaster.

Gentlemen :

I have received a Petition of Cachuscunt & Memocollen two In-

dians setting forth a great abuse & Imposition, they have suffered from Isaac Miranda, which being committed within your Jurisdiction properly comes under your Cognizance & therefore I have herewith transmitted to you the Said Petition, that you may make a full & particular Enquiry into the Truth of the facts sett forth thereof, And if you find the Allegations therein contained to be true, I desire you will order Mr. Miranda to make Restitution of the Goods which he has taken away & likewise to enter into Recognizance for his good Behaviour & Appearance at your ensuing Court. I am,
Aug^t. 21st, 1720.

INQUISITION ON THREE INDIANS MURDERED, 1730.

Aug. 28 1730.

Lan^r County, ss.

THIS INQUISITION, Indented and Taken in ye Township of Dorsey in ye County afores^d in ye Province of Pensilvania, Before Joshua Lowe, Coroner for our Sovereign Lord ye King, and for ye s^d County on ye View of ye Bodys of Three Indians, two men and One Woman, there in a Certain Run lying dead by ye Oaths of John Postlethwait, Jonas Davenport, Patrick Campble, John Williams, Rice Price, John MakCurry, John Galbreth, David Campbell, John Taylor, William Hays, Patrick Hays, Christopher Vanlaer, John Carr, Thomas Hill, William White and Alexan^d E. Hutchison, good and lawfull men of ye S^d County, who Being Charged on their Said qualification to Enquire how ye S^d Indians came to their End, do Say y^t according to Several Circumstances their being no Evidence the Said Indians were feloniously killed and murd^{ed}, their appering in Every One of their heads, One mortall wound (To Viz.) in ye Woman One Mortall wound, in ye left Side of her head like a Cut with a Small Ax or Tom Hook, and One of ye men a Cut or great bruise in ye left Side of ye head on his Temple, and ye Other man a bruise in ye Schull in ye forepart of his head, and a large cut in ye left Side of his head near ye Eye, and they were Wrapped up in their Shrouds or Blanketts, and buried in ye S^d Run and cover^d with Some logs Earth and Stones, and by ye Bodys Being So much putrified and Decayed we Suppose ye may have been mur^d as afores^d ye Space of three mo^{ths}, But who ye were or of what Nation they were this Inquisition finds not, nor Can we find any Reason or Grounds to Charge any Christians or White people wth ye S^d Mur^{de}, nor can we find any to affix ye S^d mur^{de}, on in Testimony whereof ye S^d Coroner as well as ye S^d Jury have hereunto Set their hands and Sealls this Twenty Eight day of August in ye fourth year of ye Reign of our Sovereign Lord George ye Second King

Over Great Britain, &c., and in ye year of Our Lord Christ One Thousand Seven hundred and Thirty.

JOSHUA LOWE, Cor^a. [L. S.]
 JN^o. POSTLETHWAIT, [L. S.]
 JONAH DAVENP^t, [L. S.]
 PATRICK CAMPBELL, [L. S.]
 JN^o. WILLIAMS, [L. S.]
 RICE PRICE, [L. S.]
 JN^o MAKCURRY, [L. S.]
 JN^o. GALBRETH, [L. S.]
 DAV^d CAMPBELL, [L. S.]

JN^o. TAYLOR, [L. S.]
 W^m. HAYS, [L. S.]
 PATR^k. HAYS, [L. S.]
 CHRIST. VANLEAR, [L. S.]
 JN^o. CARR, [L. S.]
 THO^s. HILL, [L. S.]
 W^m. WHITE, [L. S.]
 ALEX. HUTCHISON, [L. S.]

We Ye Chief of ye Conosstouges and Conoys Indians, having Been along with the Christians or White people, Do say we are of ye Same mind as above Said and Well are Satisfied with what is Done By ye Christians, on this accot As Witness our hands ye 29th of August, Annoq^e Dominy, 1730.

CAP^t. CIVILLITY.

his ✕ mark.

TAYSHAH.

his ✕ mark.

OLLOWAY.

his ✕ mark.

POWAY BAYTO.

his ✕ mark

Vera Est Copia.

JOSHUA LOWE, Coroner.

JOSHUA LOWE TO GOVR. ON MURDER, 1730.

5th Sept. 1730.

S^r.

The Day afftar the Date of my Last To the Govrnor, I heard a fresh Reportt of the Indians bein^g found Dead, on which I went up towards the head of Swattarro Creek where I had a full account of the afare, tho' they wear 5 or 6 miles from whear ye Indians Tould us, I therefore Came Doune & gott seavarell Indians & Cristians along & went to The place & Thear found The bodeys of three Indians, one yong woman as apered by her hand, one of w^{ch} was whole, & 2 men as planely apeared were found a sadle, a pistell, a knife, some beads & shells, with some othar small Things, by all which the Indians said they wear Delawares, wee also had act^t that Thear was none wanting of ye five Nations, howevar I & some othars was very Desirous To Discovar who they wear & from whence They Came, & who had Done ye murdar, I heard thear was 3 Tuskarorows wanting, so I went up to Pechston To Enquire whear I had the opar.

tunety To hear by Patrick Boyd who was Coming Doune from Opessa Toune, That an ould Delawar man Caled Oppenella, belonging to Aungaluta a toune near Opessa, & his Squaws & his sone a yong man & his Daughtar, a girle ab^{tt} 14 years ould, Came Doune with a Larg bundell of fine ffurr, & some time afft'r ye Squaw Came home & Tould a man that she had a mind for that he might marey her, for she had Dispatched her ould husband, & to proove it shewed him her husband's arme bellts & a Large neck beltt of wampam, Pettar Basalion & pettar Sherffe being present when Boyd gave me the above ac^{tt}, Pettar Sherffe said that ab^{tt} ye midle of May Last thear Came to his house the above named Indian his Squaw & Children, wth s^d furr & a saddle, but no horse, they went ovar the Rivar & the 3^d Day afftar the Squaw Came back with The same bundell of ffurr, & Pettar asked whear her husband was, she answar^d he was gone, but he Charged her that shee had killed him, w^{ch} she very fantly deny^d, so he bo^{tt} the furr from her, and she Returned towards home, so that wee are now all satisfyed that the ould man, his sone & Daughtar was murdred by his squaw, thou may see by the Copy of the Inquisition what Care was Taken, the Indians genarely Expressed very great satisfaction with what was Done, and wear willing & forward to joyne in signeing with us a plan, it was carefully Interpretted to them, I would have sent To ouar Govarnor but have had an ac^{tt} that he is gone to New Yorke, & will not Returne in Less than 3 weeks, so I Thought it my Duty To acqn^{tt} Thee how far I have acted, which I hope will be to Content. I am Thy Reall wellwishar & Redy To Serve my Countarey in aney Thing in my powar.

JOSHUA LOWE.

Lon^d, 5 7 mo, 1730.

P. S. If I hear aney more shall acquaint thee of it, but P. Basalion hath promised to Come and give thee a full ac^{tt}, he hath been very servisable in This affare. Thear just now Came an Indian to see the pistell, y^t wee found, & Imediatly s^d it was Oppanella's pistell, all w^{ch} Confermeth me in my s^d opinion.

J. L.

[See the Inquisition on page 267.]

Direction.

“To James Logan, Esq^r.

“In

“Philadelphia,

“Thess p^rsent.”

PRIVY COUNCIL ON PIRATES IN W. I. 1730.

WINDSOR CASTLE, SEPTEM^r 25th, 1730.

SIR,

His Majesty having received repeated Complaints, That the Trade of His Subjects in the West Indies and elsewhere in America, suffers

much Damage & Molestation from Pyratival Vessels, especially from Vessels fitted out from the Spanish Islands in the West Indies, notwithstanding the Peace and Friendship subsisting between the Two Nations, and contrary to the Orders of the King of Spain to His Governors of Peru and New Spain, of the 25th of April, 1728, N. S., *to cease and cause to cease all the Hostilities either by Sea or Land against the English or the Subjects of that Crown, which had been begun on occasion of the late Disturbances*, and of the 14th of December last, N. S., confirming the same, and directing them to *make Restitution of all Prizes taken from the said English Nation since the arrival at Cartagena on the 22d of June, 1728, N. S., of the Order first above mentioned of the 25th of April, 1728*, and notwithstanding the repeated Applications that have, from time to time, been made to the Court of Spain for Satisfaction for the Losses and Damages sustained by His Majesty's Subjects from such Pyratival proceedings, and that effectual Care might be taken to put a Stop to them, and also notwithstanding the Orders which been given, from time to time, to the Commanders of His Majesty's Ships Stationed at the Several Colonys of His Majesty's Subjects in the West Indies and elsewhere in America, to Seize and bring in all Pyratival Vessels or Free Booters not lawfully Commissioned, or that make Depredations on the Trade of His Majesty's Subjects contrary to the Treaties. The Said Pyratival Practises, of the Spaniards and others nevertheless still continuing to the great Damage of His Majesty's Subjects, and as all Vessels acting in such manner, in time of Peace, are to be reputed no other than Pirates, whether they Cruize at Sea without any Commission, or having Commissions do nevertheless spoil and Plunder the Ships and Goods of His Majesty's Subjects, contrary to the Treatys, and there being great reason to believe, That the Said Free Booters are chiefly upheld in their Pyracies, by the Secret Encouragement and Protection which they meet with in many Sea Port Towns in the West Indies, from whence they are fitted out for the Sea, and to which Places they retire with their Booty, His Majesty being determined to use all possible means that may most effectually put a Stop to such Violences for the future, and protect his Subjects in their lawfull Trade and Navigation, has commanded me to Signify to you His Pleasure, That when any of His Subjects following their lawful Trade in the West Indies or elsewhere in America, shall be unjustly Plundered or despoiled of their Ships or Goods by any Persons of what Nation soever, the Said Sufferers do, by the first opportunity, give in the most Authentick Proofs of the Damages and Losses they have sustained, upon Oath, before the Judge of One of His Majesty's Vice Admiralty Courts in the Plantations, which Judge, after due Examination of the matter, is to deliver to the Said Sufferers, a declaratory Sentence under his hand and the Seal of the Court, setting forth the particular Circumstances of the Fact, when, where, and by whom committed, from what Port the Vessell or Vessels that did the Damage was or were fitted out, and to what Port the Ship or Goods were carried, and the Value of

the same, & that the whole has been duly proved upon Oath before him, which Sentence or a Duplicate thereof is to be lodged in the hands of the Governor of the Colony where such Declaration is made, and if such Sentence or Duplicate shall, in pursuance of this Order, happen to be lodged in your hands, and the Commander in Chief of His Maj^{ty}s Ships, in the West Indies, or any of the Captains of His Maj^{ty}s Ships, shall then be in the Province under your Government, or upon the Arrival there of any of them, you shall deliver unto him such Declaration Signed and Sealed as aforesaid, who is thereupon to repair himself, or send One or more of the Ships under his Command to the Port where such Ships or Goods of His Maj^{ty}s Subjects shall have been carryed in, or from whence such Ship or Ships or Vessels was or were fitted out, in order to procure the immediate Releasement of such of His Maj^{ty}s Subjects as may have been taken, together with full Restitution of the Ships or Goods so Plundered or taken, or the value thereof, or else the delivering up to him or them of the Persons and Ships which committed the Fact, or to make Reprizals in such manner as is directed by the Orders in that behalf to the said Commander in Chief and to the Captains of His Maj^{ty}s Ships Stationed in America. It is His Majesty's further Pleasure, that you give public Notice in the Several Ports of your Government, of such part of this Order as concerns His Maj^{ty}s Subjects, whose Ships or Effects shall be thus Pyratically taken, that they may know where, and in what manner to apply for Redress; and that you send, from time to time, to One of His Majesty's Principal Secretarys of State, an Account of your proceedings in the Execution of these Orders.

I am,

Sir,

Your most humble servant,

HOLLES NEWCASTLE.

CAPT. CIVILITY TO GOV., 1730.

May it Please y^e Hon^{ble} Governor,

Some time since I was at our County town of Lancaster, where I heard much talk that both Dutch and English was agoing to Settle on y^e other side of Susquehanah, Likewise Mr Wright and Mr Blunston hath survey'd a great deal of land and designs to dispose of itt to others, which giveth mee and my brethren a great deal of trouble, itt being in our road in our hunting, lest our young men should break the chain of friendship which hath long between us.

Wee are grieved that Mr Wright should not mind his word, for when he first came to our parts he often said that no person should Settle on that side of y^e river without our Consent, but now wee find he to be y^e first and to encourage others.

When your Honour was with us at Conestogoe your desire was

that wee should not hurt any of your people, which wee carefully have observed, and likewise that E^d Parnell who was Settled their should go off which he did, which now grieves our hearts to see how little our Counsels is Minded. Wee hear that one of William Pen's Family is coming in this country but the truth of itt wee know not, wee long to hear the truth of it for wee should be glad to see any of William Pen's Family.

Wee are now agoing out to hunt, so desire you to Supress your people from Settling their untill wee return from our hunting, and then some of our Cheifs will come down to you and have some Further treatty about y^e Matter.

From y^r Loving Brother, in the behalf of

y^e rest of my Brethren,

DECATTELES alias CAPT. CIVILITY.

Conestogoe, Sept^{ber} y^e 28th, 1730.

Directed—To the Hon^{ble} Patrick Gordon, in Philadelphia, these.

Indorsed—Cap^t Civility's Letter. Sep^r 28th, 1730.

GOVERNOR TO WM. FISHBOURNE, ON ROBBERY OF TREASURY, 1730.

Nov^r 3^d, 1730.

To W. Fishbourn, Esq.,

SIR :

'Tis now abt 8 days since at Newcastle I heard a Report y^t you had been robb'd last Sunday night was a week, of a large sum of money in your Custody belonging to the Publick, but having no Account of it from yourself, nor hearing of any Measures taken either to search for the money or Robbers, at w^{ch} I could not but exceedingly admire, I thought it incumbent on me, who must always while in this Station think myself affected with whatever so nearly concerns the publick Interest, to dispatch the important Affairs I was then engaged in, with the Assembly there & hasten hither, where I arrived as undoubtedly you have heard on Sunday night last, & question'd not thereupon but I should have seen you yesterday morning ; But since you think fitt to decline this I find myself oblig'd to observe to you, that as it is generally pretty well known that in the Attempts made to settle your Acco^{ts} last Winter with the Assembly, such Mistakes were discovered as show'd a large Deficiency in your Management. This Report of your being robb'd the very night before you were to pay the money left in the Office to the new Trustees, has been commonly received as a Pretence rather than a Reality, for it is Urged that to allege such an Accident is a very short & easie way of acco^{ting} for any Misapplication, if such a Pretence should be expected to pass for Paym^t or Satisfaction. Therefore as that Deficien-

cy in your Accounts has rend'ed you obnoxious to Censure, I must putt you in mind that it is immediately incumbent on you to clear up this matter effectually, that the truth without further Loss of time, of w^{ch} I conceive there has been too much already, may be fully & clearly understood, And for this Purpose, unles you think fitt not to insist on the mentioned Robbery, I shall forthwith order the whole Matter with all the Circumstances of it to be strictly examined & enquired into, And to this I expect your Answer without delay, & am
Your humble Serv^t,

P. GORDON.*

Indorsed—Copy Gov^{rs} Letter to W. Fishbourn, Nov^r 3^d, 1730.

W. FISHBOURNE TO GOV., 1730.

Philad^a, 3 9^{ber}, 1730.

May it Please the Govern^r:

I Rece'd thy Letter ¶ Robert Charles and am Sorry any thing should Interpose between the Govern^r and my Self whereby Thy Regards for me should be withdrawn, as I perceive by what Thou art pleased to mention.

And I Confess my Self much to blame in not acquainting the Gov^r of my misfortune, nor waiting on him more Early on His return home, but what prevented first was, that it was the Conclusion of those Gentlemen who were at my house to view the Room & Chest broke open, that They would go together & Consider the Affair & write to the Gov^r about issuing out a Proclamation with Reward, in order to discover the Persons or Money lost; & after I Enquired of the Mayor if any thing was sent to the Govern^r, He answered me that He had wrote to Him, and I Knew not that the Gov^r was returned home untill yesterday about noon; therefore hope the Gov^r will be pleased to Excuse me, being very much Opprest with Thought & Incumb'ed in my Affairs at present.

I must deny that ever with Design or Intention of Fraud I made Attempts in Settling my Acco^s with the Assembly last Winter, wherein such Mistakes were discovered of large deficiencies in my Management; which mistakes happen'd only by being in too much hurry & depending too much on my Clerk; Yet I should Think the Accounts being then fairly adjusted, that it would not still Continue to render me obnoxious to Censure in all the probable Acts of Life.

As I never heard from any Person liveing, & have made strict Enquiry of all my Family, that the new Trustees were to come that day to receive the Public Money, therefore I can't be justly charged with making a pretence of being Robbed the day before the Money was to be paid, since I knew not of it.

* See Col. Records Vol. iii. p. 414. 421.

I would intreat the Gov^r (as I did the Gent. at my house) to advise me what methods to take in this affair (more than I have done within the bounds of my own Family) or what yet I can do in my power to clear up this matter Effectually, & I shall believe it my Incumbent Duty, for I do Affirme I have lost the money.

Tho' it is a great Misfortune to lose so much money, & at the same Time be Suspected of pretended Robbery to avoid Payment of my just Debts, & is very hard to bear & perhaps never to be forgotten. Yet, I had rather injure my Self than it should be hereafter Asserted by any that the Publick lost by me, and as I have not nor yet desire or designe that any should suffer for my Supposed Mismanagement, I shall be willing to refer my Self to the Judgment of the Assembly, to Whom I am only accountable, By whom I will be concluded in case they shall direct me to Pay the Ballance of the Accot when Settled, Yet I would not in the least prevent the Gov^r from makeing such strict Examinations & Enquirys as He may think meet, into this whole Affair.

And if my inclination of being just should Corroberate any in their mean Opinion of me, I hope to be Enabled to Suffer under it as I have often and repeatedly done in other Cases, without just Grounds.

I intreat that the Gov^r will be Pleased to Excuse my Mean Way of Application & Stile, & Consider my meaning with a Favourable Construction; All which is Submitted to Thy Candour & Judgment, who am with all True Regards for the Gov^r & all His,

Thy Friend,

WM. FISHBOURN.

P. S. If it had so happened that I had kept the Publick Money in any of my Houses which were burnt, the same Persons that believe this to be a Pretence rather than a reality, would have said I sett 'em on fire my Self or hired some body to do it. But I begg the Gov^r and all others to Consider what End I can have in such a pretence, For that I might be under no Temptation nor Suspicion of Using the Public Money in my own Affairs, I have since my great Loss by Fire, Sold of my Estate in this City to the Value of £820, And not long before rece'd of my own money above £900 more, which I can readily prove by the Persons now here, of whom I rece'd it; Since which I have not bought any Thing of Value, nor paid away or Lent, Shipt, or Deposited, any sum of Money to or by any Person whatsoever, (save in the Loan Office only,) and I have not One Eighth Part of that Sum by Me or in my Power any wise.

W. F.

Direction.

To Patrick Gordon Esq^r, Lieut Govern^r of the Province of Pennsylvania.

* See Governor's Letter to W. F. p. 272; also Col. Rec. Vol. III. p. 414 421, 583.

DEPOSITIONS &C., RESPECTING ROBBERY OF TREASURY 1730.

The supposed Robbery of Mr. Fishbourn's house was said to have been done on the 25th of October, the Gov^r being then at Newcastle. When his Ho^r returned, he expected Mr. Fishbourn would have waited on him & acquainted him with his Misfortune, but neglecting to do that, the Gov^r wrote a Letter to him of which the Copy is herewith, No. 1.

To which Mr. Fishbourn wrote an Answer No. 2, but the same appearing evasive & equivocal the Gov^r thought fitt to enquire into the matter in presence of some of the Council.

And accordingly Mr. Fishbourn gave the Narrative No. 3.*

The Examination of his Serv^t Thomas Smith, No. 4, was likewise taken.

And of his Maid Elizth Mary Liston, No. 5.

Wm. Preston was likewise examined No. 6.

Several Gentlemen & others were summoned to attend the Council, who related the Condition they found the Room in where the Robbery was said to be committed, with several particular circumstances touching the Chest & Lock, & they engaged to draw up their several observations & lay them before the Gov^r but if its thought fitt, they may be examined viva voce, before a Committee of the House, these persons are,

CLEMENT PLUMSTED,

THOMAS GRIFFITS,

GEORGE MCCALL,

JOHN WHITE,

ABRAHAM TAYLOR,

SAMUEL POWEL SENR.,

JOSEPH CLAYPOOOLE,

CHARLES READ.

WILLM. MONINGTON,

JOHN JONES,

No. 5 being ye Exam. of Lliz^h Mary Linton, was not ret^d from the House of Representatives before whom all the Papers were laid.

N. B. Mr. Griffits has the Lock of the Chest sealed up.

QUERIES RESPECTING ROBBERY OF THE TREASURY.

MEM.

Three or four days before the supposed Robbery a Conversation happened about Accidents in case of Fire or Robbery, between W. F. & George McCall, Mr. Griffits was likewise present & on this Head examine

T. GRIFFITS,

G. MCCALL,

JNO. WHITE,

A. TAYLOR,

To Examine Fishbourn's Clerk to the following Points.

1. How his Mr was employ'd that Sunday & what persons were in the house on that day.

2. Where his Mr usually Lodged the public money, & how long it

* Not on file.

had been kept in the Chamber said to be broke thro', whether any Persons used to sleep there o'nights.

3. Whether the Cl'k heard any Noise in the night time, & whether Fishbourn gott up.

4. Does he know or believe W. F. was in that Chamber that day or night, & how was the Cl'k employ'd all Sunday & particularly between 7 & 8, in the Evening, & what he knows of breaking the Window Glass.

5. Where was Fishbourn between 7 & 8.

6. Does he know whether Fishbourn was in that Chamber after night.

To Examine Chas. Read, touching W. F's behaviour when the public money was demanded from him.

Examine W. Preston, his Wife, & Serv^t, touching the breaking of the Glass.

Sam ^l Powel	}	On the View of the Chest & Lock.
& Jo. Claypoole,		

W. Monington,	}	Committee of Acco ^{ts} .
W. Allen,		
John White.		

W. F. should assign a Reason for removing the Money from a place of greater to a place of less security—with other Enquiries proper on this head.

Examine W. F. first as to the time of keeping the money in that Room.

2. Whether the key of the Room was constantly locked upon his his Scrutore.

3. Whether 'he has not often taken People up into the Room where the money was lodged, to pay or count out their money to them.

4. Whether he can name any Person that ever received any money from him in that Room.

5. Whether he can name any Person besides his Serv^t Thomas, that ever saw any money in y^t Chest, & how long since he saw it.

IT IS MY OPINION :

That Thomas Clerk of the Loan Office should be examined privately, & laid under a Necessity to appear & Give Evidence when required, & particularly he should be Interrogated very Circumstantially concerning ye Manner of his Master's Employing himself that First day, & whether he heard a Noise, & what sort, in ye night, & if he did, why didn't he rise?

How he ye S^d Thomas was employ'd that First day.

How long to his Certain Knowledge so much of ye publick Mony had been in that Chest and Chamber.

How long that Chamber had been without Lodgers.

Where his Master usually Lodged ye publick Mony.

What he knows of ye breaking of ye Glass.

Did his Master go into that Room, when he first got up in ye night.
(Because W. F. says on ye first noise in ye House he did not Visit the Treasry, but went about other places where there was no mony.)

Where ye said Thomas was that evening fr^m 7 to 8.

Whether about ye Door, or if any of ye Family were at ye Street door, & in particular where W. F. was Int 7 & 8, when the glass was broke, & upon his Qualification, can he disprove W. F's being in that Chamber after night.

Examine ye Sheriff as to W. F's behaviour when they demanded ye Mony.

INFORMATIONS AB^T BREAKING YE GLASS.

William

& his Wife

Serv^t to

Workmen called to view the Locke & Chest.

Samuel Powell,

Joseph Claypole.

Wm. Monington, } Committee of
Jn^o. White, } Accounts.

As to W. F. If he would attempt to Impose ye Loss on ye Country. The first Enquiry is, why he Lodg'd or Removed the publick Mony from a place of Greater to a place of Less Security.

Why he did not tender all ye money he had to ye present Trustees. or attend ye payment when required by them, since he knew that Chamber was Exposed, why did he not Lodge some body in it.

3 or 4 Days before the Chest was broke, W. F. was standing wth George McCall at ye Coffee house in ye Street, & what their subject was before, T. G. knows not, but Immediately on T. G's. coming out of the Coffee-house & joining them, W. F. began to say to ye Effect following.

Here's ye Mayors afraid to take Charge of a parcell of Mony, least in Case of Accident he should be oblig'd to make it good. How does he think I shou'd do if I was Robb'd or my house burnt, does any body think I must sustain the Damage, to which it was answered that would Turn on ye Cleanness of ye proof of ye Fire or Robbery, & ye Care taken by ye Treasurer to secure ye Mony.

To Which W. F. replied, if he should be robb'd of the publick Mony & could prove he lost his Own as well as the publick They (Alluding to ye Assembly) should tear him Limb from Limb before he would bear ye Loss.

It is said Abra'am Taylor has been in ye way of hearing some Expressions from W. F. Importing forethought.

DEPOSITIONS.

William Preston, of Philad^{ia}, Mariner, being examined on Oath says that he lives in a house adjoining to W^m Fishbourn's, a small partition dividing s^d house, & that on Sunday the 25th of October last, between six & seven in the Evening he heard a pane of Glass break, & enquiring whether it was of his house his wife went to the Door & afterwards took a Candle & went up stairs, but found it was not of his windows, & at the Door she heard some people passing by call out stand fast Glass Windows, which she told this Depon^t, that towards the morning of Munday the 26th of October he heard some People treading in a Room of M^r Fishbourn's house adjoining to his which he supposed to be the People of the family, That M^r Fishbourn's Clerk or Bookkeeper came to his house next morning & told him y^t his Master had lost about two thousand pounds & asked him whether he heard any noise in the night to which he answered he heard none except the treading of persons above mentioned.

his
WILL^M X PRESTON.
Mk

Captⁿ in presence of the Govern^r & Council, November 5th, 1730.
ROB^T CHARLES, Cl Con.

Thomas Smith being examined upon Oath says, that he came over into this Province a Servant, & was bought by William Fishbourn, whom he has served about two years & a quarter & has been employ'd by him to keep his Books, that on Sunday the 25th of October last, this Deponent went to Church in the forenoon, & came not home till the Evening, wⁿ he enquired where his Master was, to w^{ch} he was answered that he was at home & had been above stairs most of ye afternoon; enquired whether his Master wanted him, but was answered he had not, that his Master was then going to Bed when this Dep^t came home, That about half an hour after three in the morning of the 26th of October, M^r. Fishbourn came to this Deponent's Bed-side & waked him & asked whether he had not heard a Noise in the house to w^{ch} he answered he had not; he then bid him gett up w^{ch} he did & a Candle being lighted his Master looked over the lower part of the house & then opened his Scrutore from whence he took the key of the Room above his Counting house, & opened the Door thereof, & that this Dep^t entered the Room immediately after his Master, where he saw the Lock of the Chest forced off, Sev^l Bills strewd about the Room, A pane of the Window glass broke & the screw of the Window unscrewed. This Deponent further says that he has frequently been in that Room sorting money, & often whole days by himself, that the last time he was there was on the 14th day of October; This Dep^t likewise says that his Master had three Chests in w^{ch} usually he kept the publick money, one of w^{ch} stood in the Entry, one in his Bedchamber & one in the above mentioned Room, that he

does not know of any Money of his Masters w^{ch} was ever lodged in the Chest in that Room.

THO. SMITH.

Cap^t, in presence of the Governour & Council, Nov^r. 5th, 1730.

ROB^T CHARLES, Cl. Con.

Elizabeth Mary Liston being examined on Oath says, that she came a serv^t into this Province & her time was bought by William Fishbourn, with whom she has lived about two years and a quarter, Deposes that she was in her said Masters house on the 25th day of October last, being Sunday, during the whole day; that her said Master was at home from noon till night, but she saw him but twice & then her Master was in a little Room backwards; That this Depo-
nent was wak'd about five o'clock of Munday morning the 26th of October by a Noise in the house, & upon calling out what was the Matter, her Master answered he was robb'd, & upon her enquiring where, was answered in the Room over the counting house; and further Deposes that the Casings of the Sash of one of the Windows in that Room was quite broke down and the other loose & had continued so near three Months.

ELIZABETH MARY LISTON.

Cap^t. in presence of the Governour & Council, November 5th, 1730.

ROB^T. CHARLES, Cl. Con.

REPORT ON COURTS OF PHIL., BUCKS AND CHESTER Co. 1730.

By Order of His Majestys Justices of Oyer & Terminer & Goal Delivery for the Counties of Philadelphia, Bucks & Chester, in three Special Commissions assigned Ye do humbly certifie the Hon^{ble} the Governour, that pursuant thereunto the following Tryals come on viz^t.

AT PHILADELPHIA.

Dom. Rex	}	Burglary.
^w Thomas Soames		
& William Pennock.		
		Soames pleaded Guilty, and received Sentence of Death, Pennock pleaded not Guilty was try'd & acquitted.

Dom Rex.	}	Murder.
^w John Crump		
& Sarah Porter.		
		Both pleaded not Guilty.

Crump was try'd and acquitted.
The Jury found the matter Specially
against Porter, but their Verdict
being defective the Court gave no
Judgement thereon, & she was
remanded to Prison.

Dom. Rex	}	Treason, in counterfeiting the Coin made current by Act of Parliament. Pleaded not Guilty, was try'd & acquitted.
<i>w</i> Zachariah Field,		

Dom. Rex	}	Misprision of Treason. found Guilty. Judgement, that he lose all his Goods & the Profits of his Lands during his Life & likewise suffer Imprisonment during his Life.
<i>w</i> Zachariah Field.		

AT BUCKS.

Dom. Rex	}	Murder. Pleaded not Guilty. the Jury found it manslaughter & she was burnt in the hand.
<i>w</i> Elizabeth Thomas.		

Dom. Rex	}	Murder. James Dyer did not appear Capias agard. Joseph Dyer & his Wife pleaded not guilty were try'd & acquitted.
<i>w</i> James Dyer, Joseph Dyer & Deborah Ux.		

AT CHESTER.

Dom. Rex	}	Murder. Pleaded not guilty; the Jury found it Manslaughter & he was burnt in the hand.
<i>w</i> Thomas Burke.		

ROB^T CHARLES.

Indorsed.—"Report of the Tryals for Capital Crimes before the
Justices of Oyer & Terminer, in Novem^r 1730."*

* See Colon. Rec. vol. iii. p. 415.

LEGAL OPINION ON INTAILS IN AMERICA, 1730.

To the Right Hon^{ble} the Lords Commiss^{rs} }
for Trade and Plantations.

May it please Yo^r Lordships,

In Obedience to Your Lordships' Commands Signified to Us by Mr. Popple's Letter of y^e 8th of this Month, whereby We are desired to give our Opinion in point of Law, whether any Fine or Recovery levied here, will cut off the Intail of Lands lying in y^e Plantations in America; We humbly certify Yo^r Lords^{ps} that We are of Opinion, that no Fine Levied or Recovery Suffered here, of Lands lying in any of the Plantations, can bar the Intail of such Lands, unless the particular Laws or Acts of Assembly of y^e Plantation where such Lands lie, have provided that Fines or Recoveries Levied or Suffered in England, of Lands there, shall have that Effect; & in that case, the force of such Fines & Recoveries depends upon such particular Laws or Acts of Assembly, & must be Regulated by them.

All which is humbly submitted to Yo^r Lordships.

Sign'd, P. YORKE,
C. TALBOT.

15th Decembr, 1730.

 PROCEEDINGS IN MARYLAND, 1730.

Cecil County, ss.

Whereas, Complaint hath been made before me the Subscriber, one of his Lordship's Justices of the Peace for y^e County afores^d, by Robert Withers, that on the 29th day of October last past, a certain David Wherry, Wm. Rask & James Rask, and another p'son unknown to the Compt, being Evil doers & Disturbers of the Peace of the said L^d Proprietor, Did in a Riotous unlawfull and inhuman manner, with force & Arms, to wit, with fists Staves Clubs axes and other unlawfull Weapons, Enter in upon a certain Messuage & Tract of Land lying in y^e County afores^d, called Mount Hope, partly belonging to the Complainant, and then & there did threaten to take & imprison a certain Robert Holy, possessing part of the same Land, and much other harm did commit, to the great Disturbance of the Peace of y^e s^d L^d Proprietor, & Terroure of his s^d L^dships good People of the County aforesaid.

These are therefore in his said L^dships name, to Require you to apprehend and take the body of y^e said David Wherry, Wm. Rask & James Rask, & them bring before me or any other Justice of Peace of the s^d County, to be Examined & dealt with according to Law, and summon Robert Holy as an Evidence for the L^d Proprietor; herein fail not. Given Under my hand & seal this 1st of Jan^y, Anno Dom., 1730.

WM. RUMSEY.

Cecil County, ss.

Whereas, one of the within named Defend^{ts}, that is to say the within named David Wherry, have been brought before me, the Subscriber, one of his L^dship's Justices for & in the s^d County, and upon hearing the plaintiff's allegations, and the Defend^t makeing no Defence, and refusing to give security for his good behaviour and his appearance at a Court to be held for the s^d County on y^e 2^d Tuesday in March next; These are therefore to Command you, Wm. Wallis, in his L^dship's name, Constable of Milford hundred, to carry the within Prisoner, David Wherry, to y^e Goal of the said County, as also to require the Sheriff of y^e said County, his Goaler or Deputys, to take the said David Wherry into your Custody, and him safely keep untill he be delivered according to Law, that is to give good security for his appearance at the next Court to be held for the said County, and to behave himself well towards all his L^dships good Tennants & people of this Province, especially towards the within Robert Withers and Robert Holy, and for your so doing this shall be y^e Suffieient Warrant. Given Under my hand and seal, the 4th day of Jan^y, 1730.

STEPHEN HOLLINGSWORTH.*

The above Mitemus signed by Hollingsworth not being allow'd of by the Sheriff as authentick, the Constable was oblig'd to take the Prisoner to Mr. Georges' to have one drawn, and then to Mr. Thompson's to sign it, before the Sheriff would receive him into Custody, as the Constable inform'd me.

A. EMMIT.

The Case is, David Wherry was taken on his own Plantation in Chester County, by Virtue of Wm. Rumsey's Warrant, and carried before Stephen Hollingsworth, who forthwith committed him to y^e Constable to carry him to Prison, but the Sheriff viewing the Mitemus and thinking it not sufficient, sent the Constable & D. Wherry to Joshua Georges to have one better drawn, which being doné the Constable instead of going again with the Prisoner to St. Hollingsworth, who first committed him, he carried him to Rich^d Thompson, who without hearing any thing of y^e Compl^t, sign'd the Mitemus drawn by Joshua Georges, by which the prisoner was held in Custody till he gave security for his appearance at said Court.

Indorsed—Holly and Wherry upon the Border of Maryland.

* See Gov. Gordon's letter to Gov. Calvert, dated Sept. 13th, p. in which the circumstances respecting the conduct of the two parties, Wherry and Holy, are related very differently from those stated in these depositions—if they indeed relate to this occurrence. There seems to be no reference to them on the minutes.

ADMIRALTY TO GOVR. ON PASSES, 1731.

ADM'TY OFFICE, Jan'y. ye 2d, 1830.

Sir:

My Lords Comm^{rs} of the Adm'ty finding that Passes of the Old Form (which will be no longer in force than the 1st of March next) have been forged, and the Names put thereunto counterfeited, as also the Public Stamps, and it being absolutely necessary that all possible care should be taken to prevent such a pernicious practice, as to those of the New Form, which must tend so much to the prejudice of the Trade of his Majesty's Subjects, I am Commanded by their Lordships to signify their desire to you, that you will cause a Strict search to be made into the nature of the Passes of all Ships and Vessels belonging to his Majestys Subjects which may at any time come within your Government; and that if it shall actually appear that any of the said Passes have been forged, upon comparing them in all respects with those blank Passes which will be in your Custody, you will secure the same and transmit them to this Office, as soon as may be; and that the utmost endeavours may be used to discover from whom the Masters of such Ships or Vessels had the said Counterfeit Passes, and who were the Authors of the Forgery; an Account of which their Lordships desire may be given to them by the first opportunity.

And if you shall at any time be informed, or do find upon strict enquiry, that any Ship or Vessel belonging to Foreigners, is Navigated under British Colours, and that the Master of her hath a British Pass, their Lordships desire that upon your being thoroughly satisfied that it is so, you will use your best endeavours to take the said Pass from him, and transmit the same to this Office.

What I have further in Command to add, for your Information is, that the Passes of the New Form granted to Ships or Vessels belonging to the Inhabitants of Gibraltar and Minorca, are different from those issued to Ships and Vessels belonging to these his Majesty's Dominions and his other Foreign Governments and Plantations, they having on the upper part of them a Sateé instead of a Ship with three Masts.

If you should happen to be recalled, or to have occasion to be absent from your Government, their Lordships desire you will leave this Letter with the next Commanding Officer, or with your Successor, that so he may comply with what is therein contained.

I am, Sir,

Your most humble Servant,

J. BURCHELL.

Patrick Gordon, Esq^r, Governor of his Maj^{ty}
Province of Pennsylvania for the time being.

LETTER—COMM'RS. OF TRADE AND PLANT'NS. ON ENTAILS,
1730-1.WHITEHALL, Feb^r. ye 24th, 1730-1.S^r:

My Lords Commissioners for Trade and Plantations having had occasion to take the Opinion of his Majesty's Attorney and Solicitor General upon a Query, whether Fines & Recoveries pass'd here, can cut off ye Intail of Lands lying in the Plantations. I am commanded to Send You a Copy of their Report for Yo^r Information, and am, S^r,
Your most humble Serv^t,

ALURED POPPLE.*

The Hon^{ble} Patrick Gordon, Esq^r,
Deputy Gov^r of Pennsylvania.

MEMORIAL OF CHRIST CHURCH ON FIRST BAPTIST CHURCH,
1730-31.

To the Hon^{ble} Coll^{cl} Patrick Gordon, Lieuten^t Govern^r of the Province of Pensilvania, &c., in Council.

The humble Petition of the Church Wardens of Christ Church in Philada., in Behalfe of themselves & the rest of the Congregation, Sheweth:

That y^r Pet^{rs} being Informed that a Bill was about to pass the Assembly of this Province for Securing certain Religious Societies in the possession of their meeting houses or places of Worship, &c., which Bill y^r Pet^{rs} did Conceive might Injure the Right w^{ch} Certain members of the s^d Church had in & to a Lott & building formerly Called the Keithian meeting house, y^r Pet^{rs}, together with the Vestry of the s^d Church, did petition the s^d Assembly that before Such Bill did pass, a Clause might be Inserted therein, Saveing to them their Right, and Nevertheless, y^r Pet^{rs} are now Informed the s^d Bill is pass'd the s^d Assembly without Such Clause, and waits y^r Hon^{rs} Approbacon.

Y^r Pet^{rs} therefore Humbly Pray, that y^r Hon^s will be pleased to take the Case relating to the s^d Lott, &c., hereunto annexed, into y^r Consideracon, and that a Clause may be Inserted in the s^d Act before it receives y^r Hon^{rs} Approbacon, Saveing to the members of s^d Church their Just Right to the s^d Lott & building.†

And y^r Pet^{rs} shall ever Pray, &c.,

P. L. EVANS,
THOS. BOURNE.

Indorsed.

Petition of the Church Wardens of Christ Church in Philada., agst the Bill for enabling Religious Societies to purchase Lands for Churches, Meeting houses, &c. Referred to in Minute.

Jan'y. 29, 1730-1.

*See page 281.

† See Col. Rec. Vol. III. p. 419.

CASE OF THE KEITHIAN MEETING HOUSE, &c., 1730-1.

1692.

A number of Christians people Called Quakers, Subscribing to Certain articles of faith, &c. purchased a Lott of Land, and built thereon a meeting house, or place of worship, w^{ch} Lott &c. was Conveyed to Thomas Budd, Thomas Peart, Ralph Ward, & James Poulter in fee, of w^{ch} Society the s^d T. B. e^d were, & Contributed towards the purchase &c.

In w^{ch} Conveyance it is Declared & agreed that the s^d Lott so Granted was upon Trust &c. That the s^d Lott &c. Should for ever be wholly & Solely appropriated to the only use & behoof of the a^d Christian people, for a meeting house or place of worship, and for such other use & uses, as the s^d meeting or major part thereof, shou^d see cause to appoint allow or approve off, So that s^d T. B. &c. Converted not the same to their use & Benefit.

And thereby the s^d T. B., T. P., R. W. & J. P. did Covenant to Surrender, yeild up, Reconvey, Grant & assure the s^d Lott &c. unto such other person or persons, their Heirs & ass^s for ever, as the s^d meeting, or major part should nominate & appoint, if the Same Should at any time be required, w^{ch} meeting was called ye Keithian Meeting.

The meeting of s^d people, who so Subscribed was Intirely dissolved their Teacher, with the major or great part of s^d people became members of Christ Church in Philad^a in particular the s^d T. P. & R. W. e^d ?

That about the time of the Dissolution of s^d Society, the Congregation of s^d Church, by the Unanimous Consent of the people of s^d Society, had the use of the meeting house, and had the Sacraments and other parts of Divine worship, according to the Constitution of that Church Established by Law, Administred & Celebrated therein for some years, & Continued untill the Church (before begun) was finished; all w^{ch} Evidently Denote, that the Keithians Inclined to favour the Church Congregation & worship, and as a further Evidence of it, they Surrender'd up the s^d Deed of Trust to the members of that Congregation; The meeting house, being vacant for some time, then the Sabbatarians & Anabaptists used the same alternately.

1723.

That the s^d Trustees being Dead, save the s^d T. P. who at the Instance of divers that were members of s^d meeting, Convey'd the s^d Lott &c. to Certain members of s^d Church, for Charitable use, as [¶] Declaration thereof appears, and the Deed of Trust, so surrendere'd to the s^d Church members, & Since to the Trustee, for said Charitable use. N. B. those who came over to ye Church p^d near two thirds of the purchase money for s^d Lott &c.

1725.

The s^d Anabaptists pretending a Right by poseession, and in oppo-

sition to the above Charitable Donation & use, procure Some Deeds in their favour, from Three old women, that were as they alledge, of s^d Keithian Society, and also from John Budd, and William Betridge, as Representatives of others, that were of s^d Keithian meeting &c. But now of the Baptists Communion; That there is not now, nor has been any meeting of such Quakers Called Keithians, who Subscribed as above this Thirty years past.

That it is in proof that Joan Lee, one of s^d three old women, upon the Dissolution of s^d Society became together with her Husband William Lee, members of s^d Church, and Since became of the Anabaptists Communion, w^{ch} evidently Demonstrates she is not of the Principle of s^d Keithian Quakers, and so not one, Cestuy que use &c.

That the other two old women are of that Communion also, and Consequently the Title w^{ch} the Anabaptists Claim from & under these three, is of no weight or value, being not from any who profess faith &c. subscribed to, as above, and so not from any Cestuy que use; nor any who had the Estate in Law in them, in Trust or otherwise, nor was any act by them done, before the Surviving Trustee of s^d Keithians, had Executed his power; And all the rest of the Subscribers for the Anabaptists being members of a Different Communion, from that w^{ch} the Donation was first Intended to, make not any Titles: for the Same Reason.

The Trustees for Church hold by Deeds of Lease & Release, from the Surviving Jointent and one of the most Considerable Subscribers towards the purchase, So by Common Law, they have the Right & Legal possession in them.

The Deed of Trust made & Subscribed by the Trustees to the Keithian Society was surrender'd up to Church Members, and by Consent Delivered, together with the Conveyance of the Estate to the Trustee members of the s^d Church.

A Public School.

That the use & application of the premisses by them Declared is most Extensive in point of Charity viz: to all Christians without any violence to their Consciences, whereas, by the use w^{ch} the Anabaptists would apply it to, its Confin'd to their Sect only, w^{ch} is not agreeable to the first Intention, on w^{ch} foundation they build their claim.

Therefore by the Rules of Equity, (w^{ch} will not destroy any Deed that can be supported by reasonable Construction) and the Law of Charitable uses, the Trustees for the Church are duely vested, and to be supported in their Title by Law & Equity.

Argumentandi gratia; Suppose the Church Members & Anabaptist stand in Equal Competition.

The Civil Law Governs in Courts of Equity w^{ch} are the proper Jurisdiction for the Decision of Mrs. of Trust & Charity.

And what has been a rule in that Law, Still remains, until alter'd by some Subsequent Law.

It has been the Established Rule in Civil Law, that Anabaptists are Excluded as Incapable of holding any Such Donation, And its not known that any Law has been made since, contrary, or to Qualify them.

The Church is Established by Law in England, and provided for, and protected in Express Terms against any molestacon &c. by the Chre. of this Province.

Therefore as the Church is respected, in the Eye of the Law, and the s^d Chre. and the Anabaptists, not, at least so much, the Church Trustees have ye preference in Equity.

Also it is a Setled Rule in Equity, That where there are two voluntary Conveyances, He that hath the advantage at Law, ought to have it.

It is Evident, that by virtue of the Deeds of Lease & Release af^t the Trustees for the Church have the advantage at Law.

And its not Clear that the Anabaptists have any Equitable Title.

In such Cases, Equitas Sequitur Legem.

Therefore the Trustees for the Church, have the best Title both by Law & Equity.

As to the Facts of the Case &c.

It is not to be doubted but the maj^r part of the Society of Keithians deviated from the profession of ffaith subscribed to in 1692.

That the Deed of Trust, Executed by the four trustees, was Delivered up to, and kept by members of Christ Church Philad^a i. e. Ralph Ward &c. who had the Same in Custody for many years, and untill the same was, together with the Deeds of Lease & Release af^t Delivered to the Church Trustees, and no Demand made of it, by any of the Keithians; Edward Church who is said to have ask'd for it, haveing not the least pretence of Title to it. Therefore it is undoubted presumptive Evidence that it was Delivered up to the Church, and for the use of its members by the Majority of that Meeting; and the Delivery in General is Sufficient without words; Expressio eorum quæ tacite Insurit nihil operatur, and when the words are contrary to the act they are of no effect.

And many witnesses now liveing may be had to Corroborate this if t'were necessary.

But it is to be hoped the Evidence of the Surrender by four that were members of the Keithian Meeting, and the widdows of Tho. Peart, & Ralph Ward, and the Representatives of Nicholas Pierce, & Thomas Tress Concurring wth the Deeds of Lease or Release af^t will out weigh the subsequent Deeds of the three old women and the Representatives procured by & in favour of the Anabaptists, unless it can be Supposed these three to have been a majority of a Keithian meeting, when at the Same time, there was no Such meeting nor Estate in use or Trust, or in being to be disposed of by them, when their Deeds were obtained from them.

LORDS OF TRADE &C., TO GOV. FOR INFORMATION, 1731.

Whitehall, June y^e 10th, 1731.

SIR :

His Majesty having been graciously pleased, upon an Address from the House of Commons, to give Directions to my Lords Commissioners for Trade and Plantations, to prepare a Representation to be laid before the House, in the next session of Parliament, of the state of His Majesty's Colonies in America, with respect to any Laws made, Manufactures set up, and Trade carried on there, w^{ch} may affect the Trade, Navigation & Manufactures of this Kingdom; my Lords Commissioners have commanded me to give you this Notice & to desire that you will immediately upon the receipt hereof, send them the best & most particular Account you can, of any Laws made, Manufacturies set up, or Trade carried on, in the Province of Pennsylvania, which may in any way affect the Trade, Navigation & Manufactures of this Kingdom.

I am Sir,

Your most humble servant,

ALURED POPPLE.

Patrick Gordon Esqr,

Deputy Gov^r of Pennsylvania.

Indorsed—Sec'y of Trade & Plantations. June 10th, 1731.

INVITATION TO THE FIVE NATIONS, 1731.

Shkellemmy is desired to apply to y^e Chiefs of the 5 Nations and acquaint them that from the first Settlem^t of this Province by William Penn, there has subsisted a firm friendship between this Govern^{mt} and them, that accordingly they have frequently visited us as their friends, that it is several years since we have seen any of them at Philadelphia, that we sent them a message about two years since, but would now willingly see some of their old wise men of Authority amongst them, to discourse of some affairs concerning their own security and the peace of these Countries.

August 16, 1731.

Indorsed—Message to the Six Nations, by Shkellemmy. Aug^t 18th, 1731.

* See Col. Rec. Vol. III. p. 436.

DEDIMUS POTESTATEM, 1731.*

Patrick Gordon, Esqr,

Lieut Gov^r of the Province of Pennsylvania, &c.

To Robert Charles, of Philad^{ia}, Gent.,

Cl^k of the Council of the Province, aff^d Greeting :

Whereas, by Letters Patents tested by me, under the Great Seal of the said Province, & bearing even date herewith, James Logan, Jeremiah Langhorn, & Tho^s Graeme, Esquires, Justices of the Supreme Court of the Province aforesaid, are assigned Justices of Oyer & Terminer & Gen^l Goal Delivery throughout the said Province, as by the said Letters Patents may more fully appear, These are therefore to Authoaise & Impower you, the said Robert Charles, to administer to all & every of the said Justices the several Oaths & Declarations or Solemn Affirmations by Law required to qualify them to enter upon the Discharge of the Trust reposed in them by Virtue of the said Letters Patents. Given under my Hand & the Lesser Seal of the said Province, at Philadelphia, the first day of September, in the fifth year of the Reign of Our Sovereign Lord King George the Second, Anno. Dom. 1731.

P. GORDON.

Indorsed—Dedimus to Qualify to the Supreme Court.

GOV. GORDON TO GOV. CALVERT, OF MD., 1731.

Philad^{ia}, Sept^r 13th, 1731.

SIR :

It is now a considerable time since I had the pleasure of a Line from you, or indeed since I had occasion to address any to you, But I have with a very sensible concern heard of your late Indisposition, and that your general ill state of health has at length determined your Resolution to change the Air and Maryland for your Native Soil. This proves no small Disappointment to me, for amongst the pleasures I had here it was not the least that I had so good and valuable a Neighbour. Such an intended voyage with an uneasy Assembly, which is too often the Lot of us in these stations, (tho' I cannot much complain of late of this Province,) must necessarily engage you in a great deal of business. It gives me therefore the greater Concern that I am reduced to an absolute necessity of laying before you some affairs of importance that I am perswaded will surprise you, for as they are in direct Opposition to the Agreements entered into between us for preserving Peace amongst His Majesty's subjects on our Borders, I cannot believe they can possibly be with

* See Col. Rec. Vol. III. pp. 424 426 439.

your knowledge, and much less your approbation. But the facts as they have both been lately represented to me by the last August Court of the Counties of Chester & Kent, are briefly as follows: Last Spring one Holey, of Cecil County, accompanied by several others, committed a notorious Riot in cutting to pieces and destroying the fencing of one Wherry, on land possessed for many years past by the inhabitants of this Province, and then by the said Wherry, who had lived on it several years. As the Action was extremely insolent & provoking, Holey was apprehended & committed by our Magistrates but found Bail for his Appearance at Chester Court when that came, notwithstanding the neighborhood being greatly incensed at the man's audacious behaviour, expected he should be made an example of, and the Court were generally inclined to it. I thought fitt to encourage Mr. Hamilton, on Holey's application, to appear for him at Court and get him Discharged, which was done accordingly. In return to this generous Treatment Wherry was immediately apprehended, first 'tis said on one pretence and then another, But at last waving all private Actions & Complaints, an Information in my Lord Baltimore's name, was brought against him at last Cecil Court, for falling the Timber of said Holey & an other person to the value of about £7. Wherry pleaded to the jurisdiction of the Court as that the Land lying in Pennsylvania the matter was not cognizable there, & gave no other Answer. The Court then caused a Maryland petty jury to be impannelled to determine in which of the Provinces the Land lay; what their Verdict was, and of course would be in any such case I need not observe to you, they found against the poor Man for peaceably falling Timber to fence the Land that had for many years been in his possession, but never in Holey's, he was committed to Cecil Goal and there I suppose he still lies a Prisoner, so that the Proprietors it seems may cease their depending Dispute, for a petty Jury of Cecil County by that Court's Authority has taken upon them to decide it.

The other Representation from Kent sets forth the Complaint from thence so clearly that if you will be pleased to be referred to the Copy of it here inclosed, together with one of that also from Chester, I need add nothing to explain it nor as I believe can I have any occasion to remark upon the Absurdities of such Proceedings, But tho' both the facts are equally inconsistent with common Sense, I cannot but observe that the Returns made by Cecil Court to my great Caution & Tenderness to prevent all possible occasions of misunderstandings between our Governments, expressed in my causing a notorious Offender to be discharged, is so exceedingly ungenerous that it appears to me astonishing how men that could believe themselves fitt to take on them the Powers of Magistracy should so entirely forget all the Rules of Decency and common Justice, as first to encourage a Process by information in his Lordship's name, and then to put a Jury of their own to determine the Proprietor's Rights. I have indeed been told that on their hearing a Paper in Court drawn

by Mr. Hamilton, which was read after the Verdict was brought in they thought fitt to suspend the fine, the man however was as I have said committed to Prison, and I suppose may still be in Custody.

I am further credibly informed that some Persons of Maryland having obtained Grants for Land from your Offices have pretended to lay them over the River Susquehanna, where our Commissioners would never allow any survey to be made, not only on Account of our Agreements with our Indians but also of that made with Maryland, Yet some of your People have pretended to large Tracts there of which some 'tis affirmed lye many miles further North than this City of Philadelphia, and have further had the Assurance even to offer them to Sale to some of our Inhabitants without making on their Parts any Scruple of the situation. 'Tis now some months since I heard the rumor of this, but very lately I have had a much fuller confirmation of it.

That any of these unaccountable steps have been made either with your Approbation or Knowledge, as I have said, I can by no means believe; But upon the whole I am obliged to observe to you that if a speedy & effectual Stop is not put to such measures, I can no longer restrain our Inhabitants from doing themselves Justice. They loudly call on me for it and would be content to have no other Satisfaction than what (by the favour of our Laws apply'd in the same manner as Cecil Court & some others have proceeded) they would take at their own hands, and they appear the more earnest on this because they imagine that those of Cecil have interpreted my Indulgence in Holly's case as an Argument of fear, which amongst strangers to a more generous way of thinking may not be improbable. But however that be when it is considered that those People on our Borders entred on these Lands on an unquestionable Right as they conceiv'd in Pennsylvania to grant them, It is but natural that Men so possessed would hazard any other extremity rather than see themselves with their families turn'd off from what they wholly depended on for their Bread. On my part no pacifick Measures shall be wanting. I have hitherto used the utmost in my Power to preserve Peace but what I have mentioned calls for Redress, of which I beg you would take a proper Care that I may not be compelled, which I am sure will be much contrary to my inclinations, to yeild to the importunities of those who think they have at least an equal Right to Justice in maintaining their Possessions, till the great Point in dispute shall be decided, & no less power they beleive to procure it to themselves if they could be countenanced in asserting it. But as these are measures no less inconsistent as I am perswaded with the Inclinations both of our Proprietors respectively and of us their Deputies than with their interest at home and past Engagements on both sides, I shall depend on their being prevented by your Prudence & Justice, in order to which I would not have lost a day after these Representations came to my hand had any Opportunity presented, that you might have the more time to give suitable Orders in them,

and for want of such I now send the bearer Express, by whom I earnestly crave your Answer.

At the same time, Dear Sir, I beg you would let me hear from my friend as well as the Governor. I much want to know particularly of your health, & whether there is yet any Prospect of your longer stay amongst us, for I am with great Esteem,

S^r,

Your most obed^t humble Serv^t,
P. GORDON.*

Indorsed—Gov^r Gordon's Letter to B. Leon^d Calvert, Esq^r, Gov^r of Maryland. Sept 13th, 1731.

REPLY OF GOVR. CALVERT TO GOVR. GORDON, 1731.

Sir :

I have this Day received yours of 13th[†] Instant, and am very sorry to find new Differences arise upon Our Borders—equally disagreeable to both of Us: I have but lately finished a tedious Session of Assembly, since when my Indispositions have diverted my thoughts from any publick Business, otherwise I should have troubled you upon the same Subjects which You treat of in your Letter to me; having received repeated Applications from Persons upon Our Borders relating to their Sufferings as well from private Inroachments and Insults upon their Estates and Persons, as by extraordinary Acts of Magistracy from their Neighbours of the three Lower Counties; but for the present laying aside Expostulations upon other Matters, I shall confine myself to those Subjects of Difference between Our People, which you yourself have at this time particularly treated of.

First, as to the Riot You mention to have been committed last Spring by One Holly, of Cecil county, and Others, I can say no farther to it at present, but return you my sincere thanks on behalf of the Government here for your kind Indulgence towards him, and shall be ever ready on my Part to imitate your Generosity therein.

As to David Wherry, the s^d Hollys Adversary in the Dispute, and the Information against him in Our County Court, I shall be more particular, and give You the best Answer I am able at present; As to Our Court their Proceedings therein, towards which permit me to subjoin the Substance of a Representation lately made to me by the Magistrates of Cecil County,‡ which is all at present I can oppose to the Representation of the Magistrates of Chester County.

David Wherry was presented by the Grand Jury of Cecil County, for a Trespass committed by him on the land of Robert Holly and Robert Withers, on a Tract of Land called Mount Hope, the Clerk of Indictments preferred an Information to which there was a

* See Gov. Calvert's answer, Sept. 19 below; also p. 282 for some depositions from Md. respecting these parties.

† p. 289.

‡ p. 281.

Plea to the Jurisdiction of the County Court of Cecil, on which Issue was taken and found for Our Lord Proprietary, the Matter chiefly insisted upon for the Lord Proprietary was, that, that Trespass was committed contrary to Agreement of the Proprietarys; Holly and Withers claimed under the Grant of Our L^d Proprietary, dated Anno 1716; Wherry claimed by an Instrument dated Anno 1721; It appeared also that twelve Years since, a Man deemed, a Marylander, held the Place on which Wherry now lives, but that he sold, as your People call it, his Improvement, and the Person it was sold to turned Pennsylvanian, but that of late Wherry cleared down on the Land called Mount Hope, by Virtue of some pretended Line formerly run by their Proprietary.

After the Plea to the Jurisdiction was overruled, and the Defendant ruled to plead in Chief, he refused it, so that Judgment went against him, but as to what that should be, the Court entered a Curia advisare vult until November next, and the said Wherry was bound over accordingly.

For my own part, I cannot see that this Proceeding of Our Court is either irregular or unreasonable, but for my farther Satisfaction therein, I have ordered Mr. Jenings, who is going up the Bay, to enquire more particularly into the Matter, being very desirous of contributing towards Peace and good Neighbourhood, and of making you the most suitable Returns I am able for your kind Disposition towards the same good End.

As for the Affair that has happened, as your People suppose, in the County of Kent upon Delaware, I have nothing to object to the Truth of the Representation made by the Justices of that County, since the Verbal Account I had of that Affair from some of Our Dorchester County People agree with it, but upon the very face of your Justices Remonstrance to you; I think they must evidently appear the real Infringers of that Peace and good Neighbourhood, which You and I endeavour to promote.

It appears that it was a Commission to Examine Evidences upon the bounds of some lands supposed to lye in Dorchester County, and well might it be so supposed, from the Antienaty of the Title under Our Lord Proprietary; It was no Precept or Commission to put a new Person into Possession of those Lands, by turning a present Possessor out, but the Person thinking himself interested by an Old Maryland Right thereto, and well considering that through Length of time, Bounds of Land, which in these Parts chiefly are Trees and such perishable things, might be entirely lost, was desirous to review and perpetuate those his Bounds, that if hereafter that Part should be adjudged to bee within the Province of Maryland, he might have something to have Recourse to upon his Original Claim.

I am surprized indeed at the manner wherewith your Magistrates thought fit to proceed by committing Our Commissioners into the Sheriffs Custody in so peremptory a manner without the least Violence done, in my humble Opinion Sheriffs or Comm^{rs} acting by due and

special Authority should not be treated in such like Manner, when acting in Matters so very disputable as those of Bounds between Us are, but if your People please to continue to use such short Methods with Ours, a just Retaliation may serve to convince them of the Unreasonableness as well as Hardships of such proceedings.

Upon the whole of both these foregoing Subjects I hope they may be settled to Our mutual Satisfaction, my present Indisposition and the daily Expectation of the Lord Proprietary's Arrival here hinder me from proposing what I should otherwise willingly embrace on my Part, a Meeting upon Our Borders between Us, for Nothing, I think, could so effectually quiet these Sort of Disturbances, as a settlement upon the Spot of such Boundaries as might keep Either side from interfering with Each Other, contrary to the Agreement between the two Proprietarys.

I am sorry to find, your People so eager in their Menaces towards Ours, I believe they had better let pacifick Measures take Place wherein I shall be always ready to concur with You; they may be assured that We shall as cautiously avoid doing anything on Our Part, that may argue Fear, as they shall do; nothing doubting but that We shall be as ready and capable of maintaining Our own Rights and Possession as they can be.

I have before observed to you that I expect by the Return of Mr Jenings a fuller Account of Wherry's Affair; he is not in Prison, as I understand, but only bound over to next November Court, against which time myself or the Lord Proprietary will doubtless concert the most pacifick Measures towards a mutual satisfaction, and I hope that all things may remain quietly upon the present Footing until then; and that this answer to yours may be in some Sort satisfactory to yourself; for you may be assured, that I shall not countenance any thing contrary to the Agreement between Our two Proprietarys.

As to what you mention of Our People taking up Lands high up the River Susquehannah, I shall endeavour to Enquire into it as soon as possible, till when I must beg Leave to defer any farther Answer on that head.

I will not Detain your messenger longer, but to add my Sincere respects to good M^{rs}. Gordon and your family; I Inclose herewth a few lines, wrote before y^r Messenger Came, in order to go by M^r. Jenings, I am at present in so very weak and Disord'd a Condition thro' Sickness, and the Daily Expectation of my Brother and the Governor of Virginia, that I hope you will Excuse any omissions or Imperfections in the foregoing.

I Remain, with the greatest Esteem,

Dear Sir,

Your most Obliged Humble Serv^t,

BEN^{DT}. LEON^D. CALVERT.*

Sept. 19th 1731.

* The last paragraph and sig. are in the Govrs. handwriting.

[SAML. BLUNSTON TO ROBERT CHARLES.—MESSAGE FROM INDIANS, 1731.]

October ye 3d, 1731.

fr^d Robert Charles :

About A week Agoe, when Severall of the Majestrates Met at Lancaster to Assist at Raising ye Court House, Capt. Civility Came there, and by an Interpreter which he brought with him, (In behalf of ye Rest of ye Indians,) Laying down the Inclosed String of of Wampum, Desired the ffollowing Message might be therewith Communicated to ye Governour, Viz. : That the Conestogoe Indians have Always lived in Good Friendship with the Christian Inhabitants of Pensilvania, And have behaved themselves Agreeable to their Treatys with them. That William Penn had promis'd them they Should Not be Disturbed by any Settlers on the west Side of Sasquehanah, but now, Contrary thereto, Several Marylanders are Settled by the River, on that side, at Conejohela ; And one Crissop, particularly, is Very Abusive to them when they pass that way, And has Beat & wounded one of their women who went to Got Apples from their own Trees And took away her Apples. And further Says, that, as they Shal Always Take Care their people Do us no hurt, So they also Expect we shall protect them.

We then Told him the Gov^r had wrote to the Gov^r of Maryland on that Subject, And that it was Contrary to his will they Should be Disturbed by ye Marylanders, & would Gladly do all that Lay in his power to prevent it.

I have further to add on ye Indian Subject, That being Informed the Gov^r Expected Some of ye Chiefs of ye 5 Nations Down in a little time, It might be of Service to acquaint him, that a few Days agoe, about twenty of ye 5 Nations warriors, Returning this way from the S.ward, brought with them three Negros & a Mulatto. One of the Negros being lame with Travailing, they sold to a Connoi Indian for about £20 ; the Rest they took off. This being Contrary to ye Last Treaty at Albany, & if not Discouraged, Like to be of Dangerous Consequence, I thought fit to Communicate, and am, with my best Service to ye Gov^r, thy Assured fr^d.

SA : BLUNSTON.

P. S.—James Logan, when I was Last Down, Said he Should be Glad if Crissop Cou'd be Taken. We have now Just Cause to Apprehend him for breach of Law in Entertaining & protecting A bound Servant belonging to one of our people, And threatens to Shoot any person who Shal offer to take away s^d Servant. If you think it will be of any Service to ye Governm^t to have him Taken, I believe it may be Done.

Direction.

“To Robert Charles,

“In Philadelphia.

“Per J. Emerson.”

Indorsed—“S. Blunston, abt the Settlem^t on ye West Side of Sasquch. the Uneasiness of ye Indians & the Abuses of Cressap.”

GOV. RIP VAN DAM TO GOV. GORDON, 1731.

NEW YORK, 9th Oct., 1731

Honble Sir :

Having lately Received an Information of the Comission^{rs} for the Indian affairs at Albany of the Encroachments the french are making on^e the Fronteers, I caused the same to be laid before the Generall Assembly at their last Sessions, who thereupon have addresst mee, not only to represent the same to the Court of Great Brittain, But also to the Govern^{rs} of Connecticut, the Massachusetts and Pennsilvania, inasmuch the aforesaid Attempts may affect them likewise.

I have, therefore thought fit to send the enclosed Papers, being Copies thereof, and the votes of our Assembly to yo^r Honor to the end you may know the Designs of the French, which, if a Rupture (which God forbid) should happen between his majestie of Great Brittain and the French king, would bee of a very pernitious Consequence to all the Northern Governm^{ts} on the Continent ; And that yo^r Honor may take proper meanes for the defence of his Majesties Subjects, And, as well as myself, lay this matter before his Majestie and begg his Royall Directions for our behaviour on this Occasion.

I am, with due Respect,

Honble Sir,

Yo^r Honor^s most obed^t humble Servant,

RIP VAN DAM*

P. S.

11 Oct., 1731.

S^r.

on the above date I Rec^d yo^rs of the 7th Instant, And Acording to yo^r Honor^s Desire herewith, send you his majesties Comission for the Triall of Pirates, which I Question not but yo^r Honor^t will return after the Triall. I am,

S^r.,

Yo^{rs},

RIP VAN DAM.

To His Honor the Gov^r of Pennsilvania.

COMMISSIONERS AT ALBANY TO GOV. VAN DAM, 1731.

[Copy.]

ALBANY, Sept. 25th, 1731.

May it Please yo^r Honor

Yo^r favours of the 17th Instant We Received and have delivered yo^r Letter to Mr. Clement to Mr. Harmannus Wendel to forward the Same.

* Referred to in Gov. Gordon's letter to Gov. Ogle, April 18th, 1732, p. 321.—See Colonial Records, vol. iii., p. 446—464.

By the Inclosed Minute yo^r Honor will Perceive that the french are Still Active to make new Fortifications, and Strengthen themselves on a Place so near to our Northern Plantations, that it Puts us in a great Consternation Considering the defenceless Condition Wee are in, and God only knows what the designs of these our vigilant Enemys may turn to, while they Endeavour to Ineroach upon us on all Sides and to interrupt our Trade, So that we hope the Legislature will take our naked Condition into their Consideration, and use Such means as may bring us to a Posture of defence.

We are, with great respect,

Your Honor^s most Obedient humble Servants,

EVERT BANCKER,
RUTGERS BLEECKER,
JOHANNIS ROOSEBOOM,
STEVANUS GROESBEECK,
NICOLAS BLEECKER,
DIRK TEN BROECK,
JOHANNIS LANSINGH,
ABRAHAM CUYLER.

[See Colonial Records, vol. iii., p. 448, 456 and 464. This and the following paper were received with Gov. Van Dam's letter.]

MINUTES OF COMMRS. AT ALBANY, 1731.

[Copy.]

Att a meeting of the Commission^{rs} for the Indian Affaires at Albany, Sept. 25th, 1731.

PRESENT :

Evert Bancker,	Rutger Bleecker,
Stephanus Groesbeeck,	Johannis Cuyler,
Nicholas Bleecker,	Dirck Ten Brock,
Evert Wendel,	Johannis Lansingh.

Mess^{rs} Johannis Evertse Wendel and Isaac Kip, being yesterday arrived from Canada, This board having desired to Speak with them, They do say That in their going up thither, they found the French Employed in Erecting a Fort at the Crown Point, on the South end of Corlaers Lake, near the carrying place above Sarautoghe, in which work was Eighty odd men Concern'd, which at their return they found compleated and Inclosed with Stockadoes, And likewise they have finished a howse of Fourty Feet, and were busy to Erect two more, who design to Strengthen the same by Inclosing it with a Stone Wall, next Spring, as the aforesaid Gentlemen were Credibly Informed in Canada. The aforesaid Mess^{rs} likewise say that they

have heard that the French Positively design to go up next Spring with two hundred men to Tiederondequatt, which is on the South side of Kaderachque lake, above Oswego, near the Sinnekes Country in order to stop the English Trade at Oswego.

They Say also (as they are Informed) That Jean Ceur was gone out to bring over to the Interest of the French a new Settlement of Indians, above Najagera, who have been in Commerce with the Inhabitants of the Province of Pennsylvania.

PROCEEDINGS OF THE ASSEMBLY OF N. YORK, 1731.

Die Jovis 9 ho. A. M. 30 Sept., 1731.

Coll. *Myndert Schuyler* brought from the President a Letter from the Commissioners of *Indian Affairs* at *Albany*, as also a Minute of their Meeting, dated the 25th Instant, importing that the *French*, with about eighty Men, had built a Fort and enclosed it with Stockadoes at the *Crown Point*, on the South end of *Corlaers Lake*, near the Carrying-place, above *Sargtogo*. That they had also built a House of Forty Feet, and were busie to erect two more there. And that the Persons who brought this account, did add, That they were credibly informed in *Canada*, that the *French* design to enclose the said Fort and Buildings with a Stone Wall next Spring, and that they positively designed to go up at the same time with Two hundred Men to *Tiederondequat*, lying on the South side of *Cadarackui Lake* above *Oswego*, near the *Senneckas* Country, in order to stop the *English Trade* at *Oswego*.

The House taking the same into Consideration, are justly apprehensive, that if these Attempts and Encroachments are not prevented, they may prove of the last Consequence, not only to this Colony, but also to several other of his Majesty's Colonies on this Continent, inasmuch as the *French* can March from the *Crown Point* in three days to *Albany* it self, whereby the Frontiers would be extreamply exposed, in case a Rupture should happen between that Crown and *Great Britain*; and thut in mean while they may at *Tiederondequat* obstruct the Beaver and Furr Trade at *Oswego*, which has been acquired there at a vast Expence; and therefore came to the following Resolutions, *to wit*,

Resolved, That the President be addressed (as the House hereby humbly do) to Represent these Attempts and Encroachments of the *French*, and the fatal Consequences the same may be attended with, unto his Majesty or his Ministers of State, in order to obtain such Relief and Directions therein, as to his said Majesty, in his great Wisdom, shall seem meet.

Resolved, That his Honour be likewise addressed, That the Commissioners of *Indian Affairs* at *Albany* be directed to employ proper Persons, and such as have an Interest among the *Six Nations*, par-

ticularly among the *Sennekas*, to dispose them to prevent the *French* from annoying them or obstructing our Trade with the *Indians* either at *Tiederondequat* or at any other Place in the Countries belonging to them, and that the Charge attending that Service be defrayed out of the Money appropriated for the Support of this Government.

Resolved, That his Honour be further addressed, That he will be pleased to send Copies of the above-mentioned Letter and Minute to the Governours of *Connecticut*, the *Massachusetts* and *Pennsylvania*, inasmuch as the aforesaid Attempt affects them likewise.

Indorsed—Papers from New York touching the *French* Encroachment^s, w^h y^e Exam^t of Davenport & Letort, Gov^rs Speech, &c., referred to in y^e Minutes of Nov^r 23^d & do. 27th, 1731.*

NOTICE—LANDS FOR INDIANS WEST OF SUSQUEHANNA, 1731.

Peshtank, Novembr y^e 19th, 1731.

Ffriend Peter Chartiere,

This is to Acquaint Thee that By the Comisioners' & the Governour's order We are now Going over Susquehana, To Lay out a Tract of Land between Conegogwainet & The Shaawna Creeks five or six miles Back from the River, In order to Accomodate the Shaawna Indians or such others as may think fit to Settle there, To Defend them from Ineroachments, And we have also orders to Dispossess all Persons Settled on that side the River, That Those woods may Remain free to ye Indians for Planting & Hunting, And We Desire thee to Communicate this to the Indians who Live About Allegeney. We conclude

Thy Assured Ffr'ds,

JNO. WRIGHT,
TOBIAS HENDRICKS,
SAML. BLUNSTON.

THE EXAMINATION OF JONAH DAVENPORT, INDIAN TRADER, TAKEN BEFORE HIS HON. THE LIEUT. GOV. OF PENSA.

This Exam^t says that he is lately come from Allegeney, where there are now Indian Settlements consisting of about three hundred Delawares, two hundred & sixty Shawanese, one hundred Asswekalaes, & some Mingoes. That last Spring was four years, as he remembers, a French Gentleman in appearance, with five or six At-

* See Colon. Records, Vol. III. p. 446, 456, 464, and also the preceding letter from Albany.

tendants, came down the River to a Settlement of the Delaware Indians on Ohio River, which the Delawares call Kithanning, with an Intention as this Exam^t believes to enquire into the Numbers of English Traders in those parts, & to sound the minds of the Indians, That the said French Gentleman spoke the Shawanese Language, with whom this Exam^t has conversed, but that few of the Shawanese being then there nothing of moment passed, That in the Spring of the year 1730 the said Gentleman returned with about five Attendants & had some Discourse with the Shawanese, which this Exam^t afterwards learnt from some of those Indians was touching the English & French Interest & endeavoring to perswade them to unite themselves to the French, & at his going away took with him ten or twelve Shawanese to Montreal, as 'tis said, some of whom at their Return told this Examinant that they had been well received & civilly treated by the French Governor, & that they intended to goe & live among the French, That last Spring the same Person returned with the same number of Attendants, one of whom was called his Brother, who being a Gunsmith wrought for the Indians during his Stay amongst them, That the French made a considerable Present to the Shawanese in Powder Lead & some woollen Goods, which they returned by another large Present, That several Conferences were held between them, the Result of which as this Exam^t has been informed was that ye Shawanese should remove themselves amongst the French, which this Examinant verily believes they soon intend to doe, That the said French Gentleman again took with him at going away, fifteen or sixteen of the said Shawanese who were not returned when this Exam^t left Allegeny. This Exam^t likewise says that in his Dealing with the Mingoes, now called the Six Nations, he has frequently heard some of these People mention the extraordinary Civility of the French to them, & that Attempts were making to induce them to break off from the English Interest.

JONAH DAVENPORT.

Philadelphia, Oct^r 29th, 1731.,

Cap^t Sup. Sacramentum

Predict Jona Davenport.

Coram, P. GORDON.*

THE EXAMINATION OF JAMES LETORT, INDIAN TRADER, TAKEN
BEFORE HIS HONR. THE LIEUT. GOVERNOR. OF PENNSYLVANIA.

This Examinant says that he is lately come from Allegeny, where there are several Settlements of Delaware, Shawanese, Asswikalus & Mingoe Indians, to the number of four or five hundred; that for these three years past, a certain French Gentleman, who goes by the

* Referred to Col. Rec. Vol. III. p. 445. 464.

Name of Cavalier, has made it his Practice to come every Spring amongst the Indians settled there, & deals with them but for a very small Value; that he particularly fixes his Abode amongst the Shawanese with whom he holds frequent Councils, & 'tis generally believed with a Design to draw them off from the English Interest; That after this Cavalier had had some Consultation with those Indians, in the Spring of the year 1730, & was returned to Montreal, Several of the Shawanese, with one or two of their Chiefs, followed him thither, who at their Return told this Exam^t that they they had seen their Father, (meaning the french Govern^r of that place,) who had treated them very civilly: That this last Spring, when Mr. Cavalier came to Allegeny, he was attended with five others of his Nation, one of whom, being a Blacksmith, wrought for the Shawanese by mending their Guns, Hoes & Hatchetts, during his stay amongst them, w^{ch} was about two Months, without any Pay from the Indians, severals of whom told this Examinant that the said Blacksmith was sent amongst them to work for them by order of their Father the french Governor; that the Indians were so highly pleased therewith; that they gave the said Blacksmith before his going away a Present in Skins to the Value of Ten pounds, & after Cavalier & his Company were gone, severals of the Shawanese, with two of their Chiefs, went again to Montreal but were not returned when this Examinant left Allegeny; This Exam^t likewise says that he heard from some of the Mingoes (or Six Nations) that the said french Governor had sent lately a Message with a Belt of Wampum to them, desiring them to use the Shawanese well, & to live with them in Peace & friendship; that the said Message was received very civilly & a courteous Answer returned thereto. And this Exam^t verily believes from what he has had Occasion to see & hear; that the French have gained a great Influence over the Shawanese & are daily endeavouring to improve it.

JAMES LE TORT.

Cap^t sup Sacramentum praedict Jacobi Le Tort Coram

P. GORDON.

NUMBER OF INDIANS, 1731.

Dist.—Connumach—Delawares; 60 Men.

50 Kythenning River—Delawares mostly.

Miles.

fam. Men.

Connumach—Delawares

20 60

50 Kithenning River—mostly Delawares

50 150

16 Senangelstown—Delaw'res

16 50

60 Lequeepes—Mingoes mostly & some Delaw.

4 settled families, but a great Resort of those People.

{ Capt. Hill a Aly-
maepy; Kyken-
hammo, Delaw'e;
Sypous a Mingoe.

[Referred to Colonial Records, vol. iii., p. 445, 464.]

		Fam.	Men.
On Connumach Creek there are 3 Shawanese towns	45	200	Okowela.
Asswikales	50	families lately from S.	
		Carolina to Ptowmack, &	
		from thence thither, ma-	
		king 100 Men; Aqueloma,	
		their Chief.	
Ohesson upon Choniata	} Shawanese	20	60 Kissikahquelas.
dist. from Sasqueh. 60 Miles.			
Assunnepachlaupon Choniata	} Delawares	12	36
dist. about 100 Miles by water			
& 50 by Land from Ohesson,			
Achequeloma, Chief of the Asswikales, true to the English.			
Okowelah, a Shawanese Chief, suspected to be a favourer of ye french Interest.			

[This accompanied the two preceding examinations.]

FROM THE GOVERNOR. TO SHAWANESE INDIANS, 1731.

Ollepoonoe, Achquaillemoe, &c., Chiefs of ye Shawanese & Asselaelaes, at or near Alleghening, To the Chiefs of the Shawanese Ind^{ns}, at Allegeney.

My fr^{ds} & Brethren :

I find by our Records that about thirty-four Years since, some Numbers of your Nation came to Sasquehannah & Desired leave first of our brethren the Conestogoe Indians, and then of Coll. Markham, who at that time was Govern^r under W^m. Penn, at Philad^{ia}, that they might have leave to Settle on Pecquea Creek, which was granted. About three years after, William Penn, the father of this Countrey, who was also as a father to all the Indians, for he lov'd them as his own Children, came from Eng^d to Philad^{ia} with his wife & family, which when our brethren of Conestogoe heard, Conne-dechtoe, their King, Oretyah, Andaggyjunquah & others of our good friends, came with Opessab, and many more of the Shawanese, desiring leave for ye Shawanese to live in this Countrey, to enter into a League with our Indians and with us, and to be accounted as our People, Which, as they requested, our father W^m. Penn readily granted, he then took the Shawanese by the hand, and admitted them as friends; they promised to be his Children, & from that time to this, in all the Treatys held with our Indians, the Shawanese were alwayes included as our friends & brethren, & So we hope they Still continue mindful of their engagem^{ts} & of the friendship, Civility & brotherly Love that has alwayes been shown them. Yet we now hear that others have taken you by the hand, in which if you mean only to be friends with them who, they Say, were formerly your Enemies, we do not blame you, for you Should live in peace with all; but if through a lightness of temper you would throw off old friends, forget all the former Treaties made with us by your People, all their promises and the friendship that has been between us, You

are then unkind & I must blame you, but I Shall not believe this. I will Still believe you true Men, and in order to Confirm this, I desire to Speak with some of your old wise men, at Philad^{ia} or amongst your old friends at Conestogoe. I have Sent Messages to the 5 Nations or Mingoes, who I heard were angry with you, to make them your friends, and it is our Desire that we may all be friends & all live in peace as brethren. In the mean time, I expect of you that you will in all respects Shew your Selves true & good men to all our People who come on acco^t of Trade, but next Spring W^m. Penns Son is to be here from Eng^d, & then he will renew his father's League & Covenants with your Ancients, and will expect your Visit to him as the Son of your true fr^d & father, who was a true father to all the Indians. In confirmation hereof, I send you a token & some Liquor that you may remember us with Chearfulness & particularly me,

Who am yo^r fr^d & bro^r,

P. G.

Indorsed—"Copy of the Message to the Shawanese Chiefs at Allegheney.—Decem^r 1731."

GOV. TO DELAWARE INDIANS, 1731.

My Friends and Brethren,

Capt Hill & other Delaware Indians, at Alleghening:

I find that when your father William Penn first came into this Countrey he called all the Indians together and made a strong chain & league of friendship with them, which was that He and his People and they and their People & their Children and Childrens' Children & their Children and so forward to all ages and generations, should be one people as of the same flesh and blood and the same body as long as the Waters should flow and the Sun Moon and Stars endure. And William Penn gave it always in Charge to all his Governours whom he sent into this Country in his stead to be kind to all the Indians as his Brethren and Children, and accordingly all the Governours of this place have from time to time renew'd the same Treaty and brightned the Chain with all the Indians and we have lived and doe live as true friends and brethren. If any white man hurt an Indian he is punished for it, and you have heard that some of our people have been hang'd on a Gallows for Being wicked to the Indians. I wrote the Order for it and they were putt to death because they had abused our Brethren.

But now I must complain for I am much griev'd that so many of my Brethren are removed to so great a distance from us that I cannot see them. I cannot take my brethren by the hand nor drink a cup of friendship with them. You are gone a great way and fall into the hands of Strangers who perhaps may tell you many false Stories

and endeavour to make you believe what is not true. One Link of the Chain made between you and us is that you should believe no Stories but come and ask your brethren whether they be true. Our People have supplied you with all you have wanted & have given you good prices for your Skins, but you are too far distant, we shall become Strangers by not seeing & speaking to each other. I therefore desire you to come and see your old true friends & brethren who want to see you. And these my words I confirm with a token that will be given you, and with some Liquor to make your hearts Cheerful in remembring your friends.

Your true friend & Brother,

P. G.

Philad^{ia}, 4th 10^{ber}, 1731.

Indorsed—Copy of the Gov^rs Message to the Delaware Indians, at Allegheny. Xb^r 4th, 1731.

EDMUND CARTLIDGE* TO GOV. GORDON, 1731.

Lancaster, ye 5th of December, 1731.

Sr,

May Itt Please Honour,

I Ree'd yours, dated ye 23^d of ye Last mo. & my man, Butt being Indisposed both in Body and mind Could not answer your Expectation, and Justt have Ree'd a Leter from Mr Charles & Justice Galbreth which putts mee to such a Stand I know not whatt to Do, for my Affairs so Pressingly call mee Back into ye Woods, and my People and Goods are already over Susquehannah, thatt my comeing all this distance to Philad^a will prove of fatall Consequence to mee. I have a Large Intriestt in ye woods and if I should Lose my winters Trade, which may Bee done for nott being up in time, would Entirely ruin ye whole and quite Disable me from making returns to my Creditors to whom I am Deeply Engaged, in Considration of which I humbly Begg thatt your Honour will not Take it amiss if I do nott Come. I Cannott tell whatt may happen Butt itt Does nott appear to mee att ye p'ssent thatt tthere is so an apperantt Danger as some makes itt to bee. Itt is nott Long Since I came from Allee-gaeneing and all was quiett and well then, and if there bee nott any Likelyhood of a Rupture att home Between England & France, I hope wee are Safe for the p'ssent, however, as to whatt Davenport and Le Tortt has Declared in relation to a French Gentt comeing for three years as a spy, I cannott Tell whatt to say as to thatt, I always Looked upon itt that as ye French kept a Store att the head of ye River to Deal, bee Came Down to Trade for fur and Bears, Being a

* Per Indorsement.

Comodity Very Scarce to ye Northward, hee and all along with him always behaved themselves very Civily, however I shall nott say much Leastt I should be mistaken. I would willingly serve your honour and ye publick as far as Lyes in my power Butt pray Excuse att this Time.

Your mostt Humble Ser^{tt},

Indorsed—Ed. Cartlidge, Dec^r 1st, 1731.

EXAMINATION OF EDMUND CARTLIDGE, 1731.

The Examination of Edmund Cartlidge, Indian Trader, taken on his Affirmation, at Pecquea, in ye County of Lancaster, the 7th day of Dec^r 1731, before Jno. Wright Esq^r, one of His Matys Justices of Peace for ye s^d County.

This Exam^t says, that about two Months since he left Allegeney, where there are Settlements of Delawares Shawanah Asseekales & Mingoe Indians to the Number of about five hundred. That for these five years past except that of 1729 a French Gentleman who calls himself Cavalier has made it his Practice to come every Spring amongst the Indians settled there, & brings with him a small Quantity of Goods with which he deals for furr, that he keeps a Store as this Exam^t is well informed at the head of the Ohio River, & every year goes to Montreal, that he appears to be a Man of Sense & good Understanding, and that it is generally believed by all the Traders at Allegeney as well as this Exam^t that this Cavalier is the Bearer of the Governor of Montreal's Messages to the Indians in these parts & is entrusted with negotiating several Affairs between y^e Governor & them. That after the Treaty held at Conestogoe in the year 1728 between the Governor of Pensylvania & the Delaware Indians, several Shawanese who were settled at Allegeney went to the Gov^r of Montreal as this Exam^t believes, to seek Protection from the French against the five Nations, who they suspected would hinder their settling at Allegeney, that ever since that time there has been a great Appearance of Friendship & Goodwill between the French & them. That Mr. Cavalier frequently holds Consultations with the Shawanese, & this last Spring when he was among them he delivered a Message to them as this Exam^t is well informed from the Governor of Montreal with a Present of some Powder, That the Shawanah King or Chief Paguasse with seven or eight more of y^e Shawanese went to Montreal to answer the Gov^s Message & carried with them some Bundles of Skins for a Present, but were not returned when this Exam^t left Alleghney. That this Exam^t has since heard from a Servant of an Indian Trader lately come from thence that they are returned & have sett up a white Flag which it's said the French Go-

vernor has given them, denoting thereby as this Exam^t verily believes that they are united with the French & are come under their Protection.

EDMD. CARTLIDGE.

Coram, JNO. WRIGHT.

Indorsed—Examinaⁿ Edm^d Cartlidge, Dec^r 7th 1731.

INSTRUCTIONS TO GOV. GORDON—DUTIES ON NEGROES, 1731.

Additional Instructions to Our Trusty and Welbeloved Patrick Gordon Esq^r, Deputy Governor of our Province of Pennsylvania in America, and in his Absence to the Commander in Chief of Our said Province for the time being. Given at Our Court at St. James's the Tenth Day of December 1731, in the Fifth Year of Our Reign.

GEORGE R.

[L. S.]

Whereas Acts have been pass'd in some of Our Plantations in America for laying Duties on the Importation and Exportation of Negroes, to the great Discouragement of the Merchants trading thither from the Coast of Africa; And Whereas Acts have likewise been passed for laying of Duties on Felons imported, in Direct Opposition to an Act of Parliament pass'd in the 4th Year of Our late Royal Father's Reign, *for the further preventing Robbery, Burglary and other Felonies, and for the more effectual Transportation of Felons*; It is Our Will and Pleasure, that you do not give your Assent to or pass any Law imposing Duties upon Negroes imported into Our Province of Pennsylvania payable by the Importer, or upon any Slaves exported, that have not been sold in Our said Province and continued there for the Space of twelve Months. It is our further Will and Pleasure, that you do not give your Assent to or pass any Act whatsoever for imposing Duties on the Importation of any Felons from this Kingdom into Our said Province of Pennsylvania.

G. R.

Indorsed—Additional Instruction to Patrick Gordon Esq^r, Deputy Governor of Our Province of Pennsylvania, against laying Duties on Negroes or Felons imported. Dec^r 10th, 1731.

ADMIRALTY TO GOV.—RIGHTS, PIRATICAL GOODS, &c., 1731.

S^r:

Upon a former occasion, I took leave to Pay my respects to your Excellency, & I am more P^ticularly Obligated to it at present upon a

very different one. To which I am the rather induced from ye regard I shall always have for your Excellencys Person & in hopes that the Assurance I give you of the Obedience which my Deputy thinks it his Duty to pay you, may remove the least misunderstandings that might possibly arise on Some points he is Concerned in behalf of the Publick. By a Packett I have lately from him, he takes Notice that on the 16th of Sep^r last, a Ship arrived in Philadelphia, called the Joseph, Thomas Williams, Master, wth Pyratycall Goods & Some Pyrates taken on Board her at Sea, whom he not only apprehended & Carried to Goal, but on Sufficent grounds and their Information had the Effects Seized, as the Goods of Pyrates, Acquainting your Excellency with his proceedings therein. It seems that soon after, he was informed by Mr. Secretary Charles that by y^r Excellency's Order he had Seized them, Signifying, however, they might be seen by him, & when Condemned he would Acco^t with him for them, and accordingly they were placed in a Store house provided for that purpose. My Deputy likewise Mentions that some time after he had occasion to receive your Excellency's Commands, & then apprised you that upon the Information he had brought in his Maj^{ties} behalf against those Pyratycall Goods, he had Obtained in the Court of Admty Sentence of Condemnation, Subject to the Right any Persons had to the same as Original Proprietors, & that upon the Refusall of Mr. Secretary Charles to Deliver those Effects, he requested of y^r Excellency ye Charge & possession of them. Many Circumstances in this Affair I avoid relating to your Excellency, but I trust that these which are not sent me as a Direct Complaint intended to your prejudice will meet wth y^t regard from you, Sir, which is suitable to that honour & Justice I have always thought inseperable from your Excellency. In Confidence, likewise, that you will, Sir, Entertain a very favourable Opinion, both of my Deputys Representation & of the freedom I take in writing, I beg leave to add a few lines Concerning a transaction In which I hope to Interfere no farthr with your Orders than is agreeable to your Excellency. I have no Occasion to premise the Authority of the Admty, your Excellency too well knows that the Admirall's Ordinary Jurisdiction is over the Persons and the Goods which falls under his Cognisance by any Occasion of Maratime transactions, Or that among other Powers in Civill Causes, he is to hold Pleas of all Injuries whatsoer done upon the Seas, with the necessary Powers of Coertion for Maintenance of that Jurisdiction. Your Excellency is, likewise, well acquainted that among the Inquisitions liable to presentment for offences against the Adm^{ty} that of Provincial Judges Entertaining Pleas of Causes belonging to the Adm^t is one, as also of Such as in Admty Causes Sue in the Courts of Comon Law, and of such as hinder the Execution of the Adm^{ty} Process. Nor is your Excellency less Sensible, that all Such Causes as do originally appertain to the Civill Law, belong to the Court of Admty, & by the Rules of it they Continue to be determined in that Court. Very likely, because it is the General Law

of Nature & of Nations, Its being Universal & the same in all Countries. But after Saying this in Gene^l, I shall only observe y^t the Jurisdiction of the Admty as to Publick Offences and Causes Criminall have been so well Settled by the Statute of Henry 8th declaring how all Such Crimes shall be heard & determined, That there can be no occasion of difference touching those matters between the Courts of the Comon Law & the Court of Admty. This is what I thought to mention Cursorily to your Excellency, not so much from any thing that has been done, but from what was possibly Intended. It is, however, necessary for me in the Discharge of my Duty, to take notice to y^r Excellency that the Article formerly In-certed in the instructions to the Gover^{rs} of the American Plantations to Cause the Goods of Pyrates to be Seized or Secured, untill they gave his Majesty an Account thereof, and received his pleasure Concerning the Disposal of them, was some Years Since not only repealed by order of his Majesty in Council, But in all Instructions to those Governors an Express Artile is incerted to be Assisting to me or my Deputys in the Due Execution of my Office, & as well them as the Judges and his Majesties Attorneys Generall upon their Application, are Enjoyned to use all Lawfull Authority for Recovering & Levying of them, these being Goods his Majesty has been pleased to authorise Me to Receive for his Use. By Commission, he did Likewise think fit to Repeat & Confirm In my Instructions, under his Sign Manual, all that was Settled by the Councill & is so fully menconed to all the American Governors. It only remains, then for your Consideration, whose Duty it is to Seise them—A point unfitt for me to Contest with your Excellency, Since not only the means of my Obtaining those Droits of Admty are as Certain from your Excellencys Securing them, but that I would offer at no one thing that could possibly be Esteemed by your Self the least Infringement of that Power your Excellency has from his Majesty. Yet, in Addition to what I have already mentioned, with respect to Each of our Instructions from the Crown, give me leave to Mention other reasons that incline me to think the Securing Such goods lyes intirely within the Province of my Deputy. All Seisures whatever, without a proper Authority, is Irregular, so in Matters Criminall, wherein the Admty is Concerned. It is his Duty in my behalf to Apprehend Persons or Seise the Goods of such delinquents by Vertue of an Admty Warrant, A warrant he is accountable for, And to the Execution of which he is to make a return into that Court, and if prevented therein of the occasion why it was not Executed, y^t the Court may proceed thereon, as the Case shall Require. He is, therefore, answerable for what he does in psuance of such Warrant, which if Duely Executed, he is to proceed to Inventory & appraisement, returning the Original into Court, & to retain an Exact Coppy of it for himself, as the Method wee observe here as occasion offers. Nevertheless, if your Excellency is pleased to Lend your Assistance & choose the Custody of them, I shall very willingly acquiesce with

y^r Commands, leaving y^r Excellency to Judge what is requisite to be Done by my Deputy, who is answerable for Every part of the Revenue due to his Maj^{ty}, which by my Instructions I am pticularly Charged with. It would however be the Greatest remissness in me, & a deceitful Execution of my Trust, should I not plainly Signifie at the Same time, that I depend upon your Excellencys Candour & Authority to remove all Difficulties or objections that may have been started by any psons wth pticular views to themselves, or that under any Colours would pvert the Ordinary Rules of Justice to Serve Sinister Ends, & that I entirely Rely upon your Influence & Power to support me in a Case that his Majesty, the regular Administration of Justice, as well as the Trade & Navigation of all his Maj^{ty}s Dominions, & the pticular Security of those in the Plantations is so much Concerned, Shoud Innovations be admitted in the Usual Course of the Law either Civill or Comon, or any attempts Encouraged & Suffered to bring the Crimes of Pyracy to be adjudged in any Comon Law Court, when it is so well known they are Felony only by the Civill Law. If, upon the whole, your Excellency is Satisfied of the respectfull manner in which Mr. Evans will always behave towards your person in the Discharge of his Duty, Consisting with my Safety, It will not only be a Sensible Pleasure to me, but as far as your Excellency Contributes to make it likewise Easy to him, will be Esteemed an Obligation to

Y^r Excellencys

Most Obed^t & Most

Hum^{le} Serv^t,

RO. BYNG.

Whitehall, Dec^r 18th 1731.

P. S.—If any psons have been Assisting to Mr Evans, I make it a Request to y^{re} Excellency y^t you would not let it be the occasion of any uneasiness to them, or in any respect loose that favour from y^r Excellency w^{ch} your goodness woud have otherwise continued to shew them. I Forgot to mention in my Letter, that I hope y^r Excellency has thought it reasonable for my Deputy to have a true of the Inventory, & w^{ch} I psuade myself he immediately obtained, Since y^r Excellency is Sensible how very necessary such an accot is to him in ye Execution of his Duty.

Honble P. Gordon, Lieut. Govern^r of the Province of Pensilvania.

DEPOSITION—FORT ON THE OHIO, 1732.

This Examinant says, that about three weeks since, he was in Company at Pextan with William Jamieson and Edward Warren, hired Servants of one Peter Allen, an Indian Trader, who were then lately come from Allegeney, a Place where our Indian Traders resort,

near Ohio River; & this Examinant discoursing with them the said Jamieson & Warren on Indian Affairs, he heard them both declare, that when they left Allegeney some french People, from Canada, were busy in building a Fort with Loggs, at or near the said River Ohio, And that the English Traders in those parts seemed to be under great Apprehensions on this Account; And this Examinant says, that he has heard the said Jamieson & Warren relate the same to divers other Persons, And the Exam^t being askt where the said Jamieson & Warren were now to be mett with, says, that he understands they are returned into the Woods on their Masters Business.

THOMAS RENICK.

Philad^{ia}., Jan^r 18th, 1731-2.

Cap^t sup Sacramentum præfat Thomæ Renick

Coram

P. GORDON.

COMMRS. OF CUSTOMS—A NEW SURVEYOR GENERAL, 1732.

S^r:

Having pursuant to a Warr^t from the Lords Comm^{rs} of the Treasury, appointed George Phenney, Esq., Surveyor Gen^l of the Southern part of the Continent of America, in the room of Richard Fitzwilliam, superseded; and he having received Instructions from Us for the more effectual putting in Execution the laws relating to Trade & Navigation, We desire you will please to be assisting with your Authority to the s^d Phenney and the other Officers of the Customs under his Inspection, as they shall have occasion to apply to you, and also that you will strictly comand all Officers and Ministers imployed under you to be assisting to them in putting in Execution the Laws against illegal Trade, that the Service under our Managem^t may be effectually carried on.

It having been Represented to Us that sev^l of the Naval Off^{rs} in the Plantations do not reside at the proper ports with the Coll^{rs}, but at several miles distance, which is not only prejudicial to the service, but also a great delay & hindrance to Merch^{ts} and Comanders of Ships in Clearing their Vessels, We have directed M^r. Phenney where he finds any Naval Officers within your Governm^t, who do not reside at the proper ports, to represent the same to you; And We desire you will please to order the several Naval Officers to reside at the same places where the Coll^{rs} are stationed for the dispatch of business.

We are,

S^r,

Your most humble Serv^{ts},

J. STANLEY,

J. EVELYN,

JOHN HILL,

B. FAIRFAX.

Custom tr., London,

26 Jany, 1731.

E.

DEPOSITION OF THOMAS CRESAP, 1732.

A Copy of the Deposition of Thomas Cresap, of Baltemore County, Carpenter, aged about twenty-eight years. This Deponent being sworn on the holy Evangelists of Almighty God, deposeth & saith, that he hath lived on the west Side of Susquehanah River in the Said County, ever since the Sixteenth of March last, as Tenant to The Right Honble The L^d propr'y of Maryland on Land held by this Deponent, by virtue of his Lords^{ps} Grant or patent. That about the last of Oct^r. this Deponent heard the noise or Report of three Guns which were discharged at a Rock called the blew Rock, on the east side of the Said River, (as this Deponent thought) which is the signal usually made by people who want to come over the River: That this Deponent and another man named Samuel Chance, who was debtor to this Deponent, and at work with him, to discharge part of the debt, went over the River in a Boat belonging to this Deponent, and saw Edward Beddock, or Beddick & Rice Morgan and a Negroe man, belonging as this Deponent has heard to Edward Cartlidge in the woods, that this Deponent beleaving the said Beddock & Morgan wanted to come over the River, went on shore to take them in, which he accordingly did, and after having rowed about Sixty or Seventy yards, as this Deponent believes, his back being towards the Said Beddock and Morgan, heard one of them in a very angry tone say Damn you Cresap turn to shore or you are a dead man. That this Deponent looked back and saw the s^d Beddock & Morgan with their Guns presented at this Deponent, upon which this Deponent went to pull in his oar and the said Morgan knocked him (this Deponent) down with his Gun, and one or both of them threw the s^d Chance over board, as he told this Deponent who actually saw him over board: that this Deponent recovering struck at the s^d Morgan with his pole, but finding the Same unbandy quitted it, and struggling with the s^d Morgan threw him into the Bottom of the Boat: upon which the Said Beddock & Morgan threw this Deponent into the River out of his depth. That this Deponent kept hold of the Boat for the Safety of his life, which hold one of the said persons endeavoured to force this Deponent to quit, and the other pushed him with his Gun. That this Deponent asked them if they intended to murder him, which one of them swore he would do. That the Boat drove down the River with the Current until it came to such a shallow place that this Deponent felt a Rock with his feet upon which he quitted the Boat, and standing on the Rock one of the Said persons struck at him with his Gun once & twice with an oar, (but which of them this Deponent knows not, he being so greatly terrified by the Said Persons that he could hardly distinguish one from the other after He quitted the Boat,) but he happened to be out of their Reach. That the s^d Beddock & Morgan went away with this Deponents Boat leaving him on the s^d Rock, whence he with great difficulty and hazard of his life waded

to an Island opposite to the blew Rock, where he verily believes he must have perished, had not an Indian taken him thence about an hour within night. That this Deponent did not get his Boat again in less than three weeks, and then it was much Damnified, and he was at the expence of ten shillings to have it taken up. That this Deponent complained to one Mr. Andrew Cornish, a Magistrate in Pennsylvania, against the s^d Beddock & Morgan, and desired his warrant to apprehend them. That the Said Mr. Cornish enquired where this Deponent lived. That this Deponent told him he was an Inhabitant of Maryland, and Tenant of the L^d Baltemore, upon which the Said Mr. Cornish told him (this Deponent,) he knew no reason he (this Deponent) had to expect any Justice there, since he was a liver in Maryland: yet that the Said Cornish granted this Deponent his warrant against the Said Beddock & Morgan who were apprehended by virtue thereof, and carryed before the Said Cornish, who bound them over to Court. That the Said Beddock & Morgan declared in this Deponents hearing that they were sent by Edward Cartlidge, jun^r., an Inhabitant of Conestogoe, to fetch the said Chance from this Deponent, and had engaged to save them harmless from any Cost or Damage for any Violence they should use in carrying the said Chance from this Deponents, provided they did not commit murder. This Deponent further deposeth and saith, that the s^d Beddock, Morgan and Negro tied the s^d Chance and carried him away forcibly in this Deponents View. That this Deponent when he was attacked by the s^d Beddock & Morgan had a French Crown, a French half Crown and some pence, (but how many he knows not) in his pocket and lost them, but whether he dropt them or they were taken out of his Pocket by the s^d Beddock & Morgan he knows not. And this Deponent further deposeth and saith, that a great Number of Horses & Mares which are claimed by James Pattison, Richard Ashton, Martin Kendrick & Others, Inhabitants or pretending to be Inhabitants of Pennsylvania, have been very injurious and troublesome to this Deponent, and some of his Neighbours in throwing down their Fences and destroying their Corn, and that He and his Neighbours in a friendly manner requested them the s^d Pattison, Ashton & Kendrick, to take Care that Such of the s^d Horses & Mares as belonged to them might not injure this Deponent and his Neighbours, to which Request he and they (that this Deponent knows of) could only obtain deriding Language. And further this Deponent Saith not.

THOMAS CRESAP.

Jurat coram me, 29^o die Janr'y An^o Dni. 1731.

BENJ. TASKER.

Indorsed.—"Copy of Thomas Cresap's affidavit, 29th Jan. 1731."

[Referred to in Gov. Ogles Letter, Feb'y 2, 1731-2, in Gov. Gordon, Feb'y 21, (p. 313.)]

Gov. OGLE TO Gov. G.—CRESAP, 1732.

Annapolis, Feb. ye 2d, 1731-2.

Sir:

I have here Sent you a Copy of a Deposition* made by one of the Inhabitants of Baltimore County, which Shews that the Violence & Injustice that has been done to him is too great to want any words of mine to aggravate the matter; but what surprises me most, I own, is the Saying of Mr. Cornish, one of the Magistrates of Pennsylvania, that he knew no reason the Deponent had to expect Justice there, Since he was a liver in Maryland, which is an expression of So extraordinary a nature, I could not possibly have beleived any one capable of it, if it had not been declared upon Oath. Cresap, likewise tells me, that tho' he had a warrant at last, yet by the behaviour of Mr. Cornish and Some other circumstances, he is So far from expecting Justice, that he is in great fear of Some further Injuries. That one of his Neighbours who is ready to declare it upon Oath, was informed by some Indians that they were offered a good reward by one Cartledge, of Conostogoe, to drive the Said Cresap and his family off his land and burn his house, all which things are of so great consequence, I have thought myself obliged to transmitt a full account of them to my Lord Baltimore, as likewise to inform you exactly of all the particulars, not at all doubting of your readiness to do that Justice which is so absolutely necessary for the good of both Provinces, every thing that can be expected on my part to keep up a good Correspondence betwixt us, you may firmly depend upon being with great

Sincerity, Sir,

Your Most Obedient,

Humble Servant,

SAM: OGLE.†

Gov. G. TO Gov. OGLE—CRESAP, &c.—1732.

Philad^{ia}, Feb^y 21st, 1731-2.

SIR:

I had the Pleasure to receive yours of the 10th† ult., but not till a month after its date. I heartily congratulate you on your arrival in your Government, and as it is my real inclination to preserve Peace & good neighborhood between the two Provinces, I shall with great cheerfulness be ready to cultivate that Friendship & good understanding with you which is so necessary for that End.

* See p. 311 T. Cresaps.

† See Gov. Gordon's Answer, Feb. 21, below.

‡ Missing.

About days after the Receipt of the above yours of the 2nd* current reach'd my hands, the contents of which very much Surprised me, and indeed I am not a little concerned that you should believe you have so early an Occasion to complain, tho' I am pleased to find it has no other foundation than what appears from Cressap's Affidavit,† which narrates only one part of a quarrel without mentioning the Occasion of it, & till both sides are heard, it cannot well be determined who are in the wrong, but thus far is plain, that Cressap was carrying off in his Boat a Person that some others desired (& it may be for good Reasons) to be apprehended, & he believing himself aggrieved applied to Mr. Cornish, one of our Magistrates, telling him he was an inhabitant of Maryland, in which application it must be owned he had a Large share of Assurance, for Justice Cornish lives as I am well assured more northerly than this City, & Cressap's Dwelling which by his own description of the blew Rock & otherwise is well known cannot be less than 5 miles further northward, and therefore if Cressap lived in Maryland it's evident Mr. Cornish could not be in Pennsylvania and consequently could be no Justice by any Commission from this Government, therefore as Cressap's application to Mr. Cornish as a Justice of Pennsylvania while he himself living more northerly, pretended his place lay in Maryland, was impertinent & absurd, so you will now perceive Mr. Cornish's Answer was truly just and to the purpose. But you may observe by the Narrative that Mr. Cornish did not believe himself in Maryland but in Pennsylvania, and that he was duly Authorised by his Commission from this Government to administer Justice, accordingly on the complaint made to him of a Breach of the Peace, he issued his Warrant, caused the accused Persons to be brought before him, & bound them over to the County Court, where I have lately understood they were indicted convicted & fined for this Assault. Now as to the Fray, whatever was the Rise of it, of which I am yet wholly ignorant, the Govern^t is no way concerned in it unless Justice were denied which is not the present case, for 'tis plain the whole amounts to no more than that a quarrel happened between Cressap & some others in Pennsylv^a which he thinks fitt to call Maryland, that on his being abused he very inconsistently with his other Pretences applied to a Pennsylv^a Magistrate, who having first made a rational remark on his impertinence did him all the Justice in a single Magistrate's Power, and the affair being afterwards brought before the County Court the Offenders have been dealt with according to Law & have suffered for the Abuse they committed.

Complaints of this Nature cannot but be very disagreeable to us both, and it were much to be wished for the Quiet of our respective Govern^{ts}, that as little Encouragem^t as possible should be given to them. I cannot but express my concern that my good Lord Balti-

* See it, page 313.

† See it, page 311.

more should have the trouble of hearing a matter of so small consequence which might easily be adjusted between ourselves, & I am almost perswaded you will be of the same Sentiments when you come to know the character of the Complaint, whose Name I have in the little time he has been near us been divers times obliged to hear to his Disadvantage. Assure your self I shall on my part discourage every Proceeding that can give the least cause of Discontent, and shall Omitt no Opportunity of testifying the Regard wherewith I am

Sr,

Your most Obedient &

Very humble Serv't.*

Indorsed—Copy Gov^r Gordon's Letter to Gov^r Ogle. Feb 21st, 1731-2.

DEPOSITIONS—DAMS ON SCHUYLKILL—1732.

The following are Sundry Depositions taken from ye Marcus Huling, Jonas Jones, Jacob Waren, Isaac Smally, Walter Campbel, Jonas Yeokam, Richard Dunklin & Barnabas Roads, Touching Some of ye hazards and Hardships by them Sustained, on fish Dams and Racks in Schulkill.

Marcus Huling Saith, That as he was going down Schulkill with a Canoe Loaded with wheat, that striking on a fish dam, she took in a great deal of water into ye wheat, by means whereof his wheat was much damnified, and that it was in great danger of being all lost :

And that at another time he stroke fast on a fish dam, and should have lost his whole Load of wheat, if he had not leaped into ye river and with hard Labour prevented ye Canoe from Swinging round, and so Suffered very much in his body by reason of ye water & cold :

And that at another time he stroke fast on one of ye Rack dams, & with great hazard and hard Labor Escaped with his Life & Load.

Jonas Jones Saith, That in ye month of Ffebruary it being Extream cold, he stroke fast on a fish Dam, and to save his Load of wheat was obliged to leap into ye River to ye middle of his body, and with all his Labour and Skill could not get off in less than half an hour, afterwards proceeding on his Journey with ye said wet cloaths they were frozen stiff on his back, by means whereof he underwent a great deal of misery.

Jacob Waren Saith, That he with a Canoe loaded with wheat stroke fast on a dam, where he with his partner were forced into ye River, and one with all his might was obliged to hold ye Canoe

* See Gov. Ogle's answer, Ap. 5. p. 320 The letter of Gov. O. of Feb. 10 —referred—has not been found.

whilst ye other digged away ye stones of ye Dam, and with much difficulty got off.

Isaac Smally Saith, That going down ye said River with 140 bus. of wheat in a Canoe they stroke fast on a Rack dam, and in order to save ye Load from being all lost, he was much against his mind obliged to leap into ye River, the water being to his chin frequently dashed into his mouth, where between whiles he breathed, and both he and his partner held ye Canoe with great labour; whiles a young man there present ran above a mile to call help to geet off.

Walter Campbell Saith, That he hath stroke fast many times on ye fish dams with his Canoe Loaded with wheat, and been forced to leap into ye River before he could get off.

Jonas Yeokam and Richard Dunklin Say, That they got fast on a fish dam with their Canoe loaded with 60 bus. of wheat, & ye s^d Dunklin's Wife and a young Child in ye Canoe, and were for more than an hour in great danger of being oversett into ye River, where if they had, undoubtedly ye woman & child would have been lost.

Barnabas Roades Saith, That he stroke fast on a fish dam in Schullkill for several hours in ye Cold Winter Season, destitute of any help, in which time he underwent a great deal of hardships and at last gott off, during all which time he was in great danger both of his life and Load; And that he hath at divers times been fast on ye said Dams and in great danger.

George Boone, John Boone, Joseph Boone, James Boone, Samuel Boone, Say, That they have been sundry times fast on ye said fish Dams and Rack Dams, and to preserve the Loads of wheat have been forced several times to leap into ye River, and have very narrowly Escaped with their lives and Loads.

The above depositions were taken }
ye 12th of 1^{mo}, 1732, 38 } GEO. BOONE.

SAML. BLUNSTON TO GOV. G.—MARYLAND AFFAIRS—1732.

May it please the President,

I Received thy Letters with the Minute of Council & other Instructions by James Wright, which might in some measure have Answered the purpose intended if they had been in our possession a week agoe, But altho' the Messenger made all the haste in his power & procured his Dispatches from you with all the speed could be Expected, Yet nevertheless by waiting four days the Affairs Over the River have Ree'd such a turn that those measures which a week agoe might have been Effectual appear now Impracticable.

To put this in a fair Light it may be Nessessary to go a little back and Begin with what is past. The people in this Neighborhood have been Often called upon to Lend their Assistance on these Ocasions,

& have as Often Chearfully Attended, to the Loss of much of their time & some hazard of their Lives. The last time they came was at the takeing of Cressap, where it was Nessessary to use the measures they did or he must have been untaken. You know how that Action is Generally Construed by the comon poople, who are no partys in the affair further than to give their Opinions & find fault.

Those who went on that Occasion were the flower of this Neighborhood, & since it's over every one they meet is Endeavouring to Intimidate them, & tells them they will all be hanged if taken by the Marylanders, with such like talk; this 'tis reasonable to believe will make them Backwards of going again, And if I should be so imprudent to let them know that in your answer to the Gov^r of Maryland Demands you have in a great measure Disowned & Condemned the Action, it would make them or any Others yet more unwilling to Venture on these Occasions.

Another story is Reported & I am told Industriosly spread Amongst them & gives great Dissatisfaction, Which is that when the house of Assembly met last it was there proposed the thing should be wholly laid on the Irish people this way & not allowed to be any Act of Governm^t, which if true is Just cause of Offence. All this Being Considered, & not knowing but if we went against Higenbothem, &c., mischief might Ensue, we tho^t it proper at all hazards to stay for Instructions.

I now proceed to Affairs Since. We had Given Repeated Orders to the Dutch to keep together & Stand on their Defence, but it so hapned that on the 28th last the wives of those Dutch Men who are in our Prison, heard that one Henry Smith was to bury a Child the next morning at a Burying place in the woods 40 or 50 perches from any house, of which they Gave Notice to Higenbothem, & in the Morning on the 29th as six Men were Getting the Grave Made & keeping Watch while Others worked, the Grave Yard being Just Below a hill, Higenbothem & his Company came Directly upon them, Surprised and took them all, & Carryed them Imediatly through the Woods without stopping at any place. 'Tis said they were to Deliver them to Other hands at Rigby's, to be Convey'd to Anapolis. The Persons taken are Michael Tanner, Conrade Strickler, Henry Bacon, Jacob Welshover, Charles Jones & Joseph Evans. This unhappy Accident has so terrifyed the rest that they have all left their Houses & are Come Over the River, so that there is none left on that Side but women & Children, Except Joshua Minshal & John Wright Jun^r, at the house of the Latter they Keep Garrison, Expecting Every Day & night to be Attacked.

This is the present state of Affairs over the River, to which if we add that the Ice is in Continual Danger of Breaking, so as to Render the River unpassable for some weeks, make things look with but an Indiferent prospect. Before this Hapned if the Sherrif had Gone over he might have had 30 or 40 Dutch to Assist him, but now he has none but what he takes with him if he Can Go over.

I shal now Make Bold to give my Opinion & Endeavour to Show wherein the measures proposed to be taken Appear to me to be Deficient. The Instructions sent up seem to be such as would be proper to be put in Execution against a Mob which might rise in a Government on a Sudden fury or discontent, & if Dispersed would be over, But that is not the case here, these are a set of ffellows pretending to act by Authority of another Govern^t, and if Our Sherrif Should go over with a Company of Men they might search several Days & not find them, & if found perhaps they might be shut up in a house, or Suppose he should meet them on One of their Rambles & should read the proclamation & Comand them to Disperse, 'tis very probable if they Believed themselves too strong for our people they would Endeavour to take them, but if they thought themselves too weak they would Disperse or Go off, And what must the Sheriff then Do Except Return home, & as soon as he was Come away they would Again pursue their mischief, for they Give Out that they are Resolved to Clear that Side of all Pennsylvanians, the men they will Take or Chase away, & then the sherrif of Baltimore will Come up and put them in possession of their places, so that for a Company of people to go Over for a few days wil be of no Great use, they might perhaps take one or two & Awe the rest for a few days, but what is wanting is Continuel Defence, & we must Either act with Equal Vigour to them or it will amount to nothing, Therefore I would Request you with the Proprietor Duely to Consider the thing, & Resolve whether it wil be best to Give up that Side to them or Endeavour to Defend it, And by Weighing the Damage such a Behaviour may be off in the Settlement of the Grand Dispute, And also what Effect it might have on the Inhabitants of this Side of the River who if they saw that Given up might make it a pretence to question the proprietors Claim to the Lands on this side, for the Govern^{mt} abounds with malcontents Enough. And on the other hand Consider what may be the Charge of Defending it & the Benefit that may Accrue thereby, And thereupon Detirmine whether it may not be propper to procure a suitable person to be at the head of 10 or 12 men hired & put under his Comand, who might Continue on that side of the River to Awe the Other party & Encourage the Dutch to Return to their houses; these with the Assistance of the Dutch might by going from house to house give the people Opportunity to provide Bread corn & firewood for their familys, & by Degrees wholly root out that nest of Vilains at Conejohala, And by an Offer of Reward for takeing them people, suppose £10 a man for the comon people & £20 for their new Captain would not be too great an Encouragem^t for going against such hardned Vilains, who Except their hearts fail them wil resolutely defend themselves.

Solomon Jennings formerly mentioned would Certainly be a good hand to head such a Company if he can be had in time, Beside if they sh^d Chance to take a prisoner Our people being ready on the Spot might Overtake & rescue him. These I am well Assured wil

be the Only Effectual means to Secure that side from being totally Lost, whether it wil Receive your aprobation I know not, and as it would in my Opinion be the Surest so I think it would be the Cheap-est way of Securing it, for when people are procured to go over with the Sherrif & Arms delivered to them, 'tis impossible to make them return 'em, they think all they receive should be their own, And Besides the Charge of getting people together & the Expensive manner in which they expect to live makes it very Chargeable to little purpose, as I believe was Experienced in the takeing down of Cresap.

We are now Obliged to hire people to be at John Wright's to help to defend that house, being the Only Garrison we have there Except what is Kept by Women & Children. We are Assured those are Returned who went down with the prisoners, & Expect hourly to hear of some further Mischief done by them; they have not yet Attempted to Break any house, what they may do is unknown. Several of the Dutch are Just now come here to Return home, but I rather Chuse to stop them til the Sherrif can be procured to Go over with some force, which I hope may be done on Monday.

All the Conejohala people, as also a Son of John Hendrix's, are listed & sworn with Higenbotham, who (Except young Hendrix) were at the takeing the beforement^d prisoners, And Betty Low, Wife of John Low, (who was one in Arms at J. Wright's Harvest field,) was now with them & Led the Company. I mention this to know whether it would be proper to have her taken, as she is one of the worst of them.

I wrote twice about Jno. Hendrix but Rec'd no Answer. I suppose you know Hendrix's House Stands Just by Jno. Wright's, & that his wife & her father & children are the most forward of any to put those people on Action, and it being a harbour for them, & a place from whence they Get both Inteligence & Succour, it would be a vast Advantage to have them removed, for although I have both bought the place & paid for it, yet by a Lease they have from me they have a Right to hold it til April or May next. Now as this Woman thinks if the Marylanders could Get the Better they should Keep the place altho' 'tis sold, she uses all her Endeavours to have it Effected, & is the worst Instrument they have; if she was Rooted out & Another person put in there, they would have no place of Rendezvous for 3 or 4 miles; and I mentioned that it might be wel to try whether the Husband, to get out of prison, would not give up the remainder of that Lease, & Oblige his family to quit the place.

If You should Approve of what is proposed, it would be of Considerable advantage that a Member of the Council or Some Gentleman of years, Credit & Ability might come up & Assist in having the thing perfected, for one of such a Character comeing up, might by Joyning his Assistance, give life to the Cause & be a means to procure & settle the terms with those who are to go over, & might also settle the thing with Hendrix, for which I am by no means propper, being a party Concerned. I once more Mention that I think Solo-

mon Jennings would be a very useful person if he can be had, & the sooner the Better, that a Company might be form'd Before it's too Late & al is over.

I hope You will See we spare no pains for the public & private Safety, & Doubtless You who have the Direction of Affairs wil not be more Backward.

Thus, as I was requested, I have put together my thoughts with a freedom which I hope wil not be Judged unbecoming, & whatever you think fit to be Done wil be followed as far as we are able. I wish the Sherrif had been wrote to, it might have Encouraged him. He had notice last night of these Letters from you; I expected him here this morning, 'tis now near night & he is not Come.

These affairs are of too Great Consequence to be left wholly to My Judgement, & therefore I again request a person of Ability may be Speedily procured to Come up if you think well of it, Otherwise we must do as well as we Can, pray let nothing be wanting that may be thought Nessessary.

I am thy Assured fr^d,

SA. BLUNSTON.

P. S. I need make no Appoligy for Sending the Messenger Back, My Letter I think will show the Nessesity. Thou may now Be Resolved what Effect thy kind usage of Cresap wil have on the Maryl^a Gentlemen.

4 in the afternoon—We hear they have beset Henry Hendrix's house two nights, but he being from home was not taken, nor no Others Since as we hear of. Dispatch ye Messenger, he being much wanted here.

GOV. OGLE TO GOV. GORDON, 1732.—CRESAP.

Sir:

I have received the favour of yours of the 21st of Feb'ry,* and am truly concerned to hear of your being out of order with the Rhematism; I assure you I shall always be ready to do every thing in my power to cultivate a friendship & good correspondence with a gentleman of So worthy a character, which is So necessary for the good of both Provinces, but at the Same time I can't but still be of opinion that I had great reason to complain of the behaviour of Mr. Cornish in relation to Cresap's affair, and I dare Say if you would only put your Self in my place you would be of the Same mind: As I take it, there is no manner of occasion to enter into a dispute at present, whether the Land the Cresap lives upon be in Pensylvania or Maryland, all that I contend for is, that peeple that live upon

* See it page 313.

these disputed lands ought to have common Justice done them by all Magistrates of either Side upon a Complaint of a breach of the peace, & not to be threatened after any manner whatsoever, but leave the limits to be settled in an amicable way: if it is just for your Magistrates to use the people of Maryland ill, who they think have encroached upon your Limits, it must by the Same reason be allowable for our Magistrates to give the Same treatment to all your people who we are firmly perswaded have encroached upon Maryland: what confusion they would bring us into is so apparent, I think I need observe nothing further to you upon this head: besides what I mentioned to you of some of your people offering the Indians money to drive Cresap of his land, is so unjustifiable, it is impossible to Say any thing in defence of it. Thus much I have thought necessary to say to you, notwithstanding I have just received Advice from England that my Ld. Baltemore has come to an agreement with the Proprietors of Pennsylvania, because whatever that agreement may be, it will be impossible to put it in execution unless we resolve to proceed in a frendly manner, in which I assure you nothing Shall be wanting on my part, being with very great

Esteem, Sir,

Your Most Obedient,

Humble Servant,

SAM : OGLE.

Annapolis, April ye 5th, 1732.

Gov. GORDON TO Gov. OGLE, 1732.—CRESAP.

Philad^a., April 18th, 1732.

Sir:

On the 10th Instant I was fav^d with yours of the 5th, and tho' Cresap's quarrel, especially considering how it terminated, is too insignificant to give either of us any uneasiness, yet as that Man's Behaviour may draw Consequences on us beyond what may be readily apprehended, I gladly embrace the Opportunity of mentioning to you some Matters which may deserve your serious Consideration. But first I must observe that, however just & pertinent Mr. Cornish's Answer to Cresap might have been in the Light I placed it in my former Letter, yet in his Letter to me on writing to him on that Occasion, Mr. Cornish positively denies that he ever used such Expression, & by Cresap's own Acknowledgment, it appears that Mr. Cornish without any Regard to the others Pretences of living out of the Jurisdiction of Pennsylvania, which if true, the Justice to whom he apply'd living more Southerly, could not be in Pennsylvania, & consequently no Magistrate there, Yet issued his Warrant, caus'd the Persons complained of to be apprehended, bound them

over, & I am since well assured that before I wrote my last, tho' I then could not be fully appriz'd of it, the Court tho' Sensible of Cresap's Character, had proceeded against them for the Abuse, & had fined them for it as largely as is usual in such Cases. Thus you plainly see that there is not the least Room left for a Complaint on this head, & therefore leaving this I shall proceed to another point of much great importance.

I doubt not but you are sensible that the French being possessed of Canada and that vast Country they call Louisiana, on the River & Branches of Mississippi, enclose all these British Colonies on the Main on the North & West, and by Claiming all the Lands Situate on Rivers or Streams of the Mouths of which they are possessed would narrow up all these Colonies within the Ridge of Mountains that lie next behind us, At the same time they constantly endeavour to debauch our Indians from us and lay Schemes for their Encroachment^s. In October last, I received from the President of N. York, a Letter with Papers enclosed giving an account of a most unjustifiable attempt to build a Fort far within the Claims of that Governmt, with some further Designs, of all which for your better information I here enclose Copies. Those Indians by us generally called the Five Nations, but of late the Six Nations, alias the Minguays & Iroquos, situate between Albany & the Waters of Canady, have been acknowledged by all the Natives of these parts as their Masters, & these tho' formerly firm to the English Interest as they yet profess themselves have been greatly prevailed on by the French, they are however in league with His Majesty's Subjects, more especially with the Governmt of New York, and a friendship has hitherto subsisted between them & us On the River Sasquehannah and in other parts of this Province for above thirty years past, there have been some Colonies seated of these Natives called the Shawannese, who unhappily have of late years given some offence to those 5 Nations or Minguays, & to avoid the consequences within these three or four years they have retired to a branch of Mississippi called Ohio, which comes within less than 250 Miles of this place, to which a considerable Number of our own Indians had repaired some time before for the benefit of Hunting, and there some French Spies falling in with them prevailed with the Shawannese to throw themselves under the Protection of Canada. Upon advice of this I used all possible means to draw them back to their former settlements, and in November last caused a Survey to be made of about 10 or 15,000 Acres of Land round the principal town where they were last Seated. But first I sent a Message to the Chiefs of the Minguays with a suitable Present, acquainting them that as we had expected a Visit from them for the two last years before, I had now some affairs of importance to treat with them upon, & in answer they promised as soon as the Spring open'd & they could travel they would be with us, we therefore now expect to see them here in three weeks at farthest.

Those People since their Conquest of the Sasquehannah Indians, have always claimed that River & all the Lands upon it or its

branches as their property, & this Claim has constantly been acknowledged by all the other Indians in these Parts, divers treaties have been held with them about those Lands, & they have sometimes seem'd to give them up to us, but still they claim them, and what may be the issue of it when they see such great Numbers settled as they will now find of those distressed people of Ireland, who have generally without any permission from this Govern^t sat down on those Lands, is very uncertain. But most unhappily at this juncture, by the inclosed Copy of a Letter from Mr. Blunston,* another Justice of Lancaster County, which I received the same day your last came to hand, you will observe how unfortunate that rude fellow Cresap's behaviour may prove at this time to us, & not to us only, but to the other adjacent Colonies, for those Indians consider us all as Subjects of the same great Empire, and their Resentments against one part will unavoidably be attended with further unhappy Consequences to others; I say unhappy, for those Sasquehannah Indians are accounted by the Five Nations as a part of themselves, their Captain Civility has a very good Interest with their Chiefs, & every Complaint occasioned by Settlem^t, made without the approbation of those People, will still claim the Lands, will be readily heard & resented. Now, I assure you, Sir, tho' this matter of the Guns & Horses be new, I have had more complaints of the same kind against that one Man than I have ever heard before, or as I am told by those of much longer standing in the place, than can be remembered to have been brought by the Indians ever since this was a Government, and whether such a behaviour in any Man, of whatever Province he may call himself, is to be tolerated in any civil Government, but more particularly at such a juncture, I need only refer to your own good judgment.

I take very kindly the Assurances you are pleased to give of your readiness to cultivate a friendship & good Correspondence with me, which is so necessary for the good of both Provinces, & on my part as I have hitherto had the happiness of preserving a perfect good understanding with all my Neighbours, You may firmly depend on it that nothing shall be wanting in me that can contribute to the same good End; I have always had in view (vizt:) the publick Peace & Tranquility of His Majesty's Subjects, and I shall always be pleased with every Opportunity of rendring any Service to yourself in particular if it should happily fall in my way. But in this Case you easily see that if Cresap had a Grant immediately from the Crown for Land directly in its Disposal, while he behaves as he has done & in so dangerous a manner, it would become all good Men to interpose & put a Stop to his measures. Our Justices, you may observe, have in the best manner they could, excused themselves from any imputation his Outrages might throw on them, & have modestly mentioned my Application to you, which this Letter makes abundantly. But there is an absolutely necessity those Indians should without delay be made easy, & all Complaints of the kind

* See page 316.

they have mentioned be effectually prevented by all means possible. I know nothing of what you are pleased to mention of some People having offered the Indians money to drive Cresap off that Land, as the Story is probably his own; his known Character will intitle what he says of that kind to very little regard. How the Man comes to claim the notice of Maryland, I can by no means conceive, otherwise than from his own presumption & an unjustifiable expectation that such a pretence may in some measure Screen him from the notice of our Magistrates, but undoubtedly while he applies to these Magistrates for Justice, & has it against his Neighbours to the Southward of him, those Neighbours have at least as good a right to the like Justice against him, to be administered by the same Magistrates. But in affairs with Indians, who tho' they have no ill notions of Right & Wrong, are Strangers to our Laws & Forms; who are known to be quick in resenting an injury, but slow in forgiving, & who if we can preserve them may prove of vast importance to us; this Government, that has by exact justice, always hitherto maintained an intire friendship with them, is under the strongest Obligations from repeated Treaties to protect them from all Injuries whatsoever from any of our People, viz^t: from British Subjects, I therefore heartily beseech you, Sir, to joyn heartily with me in these important points, for tho' not so directly and immediately, yet they nearly concern Maryland as well as Pennsylv^a, and as the British Interest may be affected by them, undoubtedly every good Subject is concern'd.

I thank you for the notice you gave me of the Agreement between our Proprietors, but wish we could know the Terms of which we are as yet ignorant; here, we have heard from your parts a rumour that my Lord Baltimore, besides his old Claim to the lower Counties, had quitted some part of Cecil Council, for which he was to have a compensation beyond Sasquehannah; And if so, tis possible the Land Cresap lives on may fall to Maryland, which without some such new Concession tis conceived it cannot. But if that should happen to be the Case, in point of Prudence, it will no ways alter the State of it that I have given, for in that respect the difference will consist only in having that Care of the Indians afterwards devolved on you, which we now understand to be incumbent on us, and if it should prove so on the considerations I have mentioned, I shall heartily & earnestly recommend the same to your thoughts.

The like Care will also be equally necessary in regard to the Land ordered to be set apart for the accommodation of the Shawannase, if they can be prevailed on to return, for if they should on their Usage in that particular way in a good measure depend the difference (in case of a Rupture with France) between having a thousand fierce fellows for or against us, for that Nation in the whole is computed to consist of that Number.

I am with Esteem, Sir,

Your Most Obedient Humble Servant.

[There is no minute between Jan'y 26 & May 4.]

THE SPEECH OF YE FRENCH TO THE SHAWANESE AT OHIO,
1732.

My Children :

When I Came from the Gov^r of Canada, hee Sentt mee here to See how his Children did Att ohioh and the message I have, Brought I was nott to Tell itt privately, butt Lett all know Itt, ye English as well as Indians for the English and us, are as one People and Brothers.

When I Came to the fork of This River, (meaning ohioh,) I heard that one of the Chieffe of my Children was Dead, for which our Govern^r will bee Very Sorry when hee hears itt. Itt is nott only I thatt mourn for the Loss, butt wee have been all Sorry and Grieved ; Butt now our Tears Are whiped away and our Eyes are become Dry again, And I Lay Down this Beltt of Wampum to Dry up your Tears also.

Now I have made my Speech ; this is to acquaintt you thatt In Two Days I shall Return homewards, And Come again In the fall, So Lay Down a String of Wampum.

I am Glad the English are here to here mee, for ye french, ye English, ye five Nations, ye Delawares and you, my Children, are now In Peace and unity, Like Brothers ; So Lays Down another String of wampum.

May ye 2d, 1732.

[See E. Cartlidge's letter, May 14th—p. 327.]

COURT OF ST. JAMES TO GOV. GORDON ON DUTIES, 1732.

[SEAL.] Additional Instruction to Our Trusty and Welbe-
GEORGE R. Our Province of Pensylvania, in America, Or to the
loved Patrick Gordon, Esq^r., Deputy Governor of
Commander in Chief of Our said Province, for the
time being, Given at Our Court at St. James's, the
Fifth Day of May, 1732, In the Fifth Year of Our
Reign.

Whereas, Complaint hath been made to Us by the Merchants of Our City of London, in behalf of themselves, and of several others of Our good Subjects of Great Britain, Trading to our Plantations in America, that greater Duties and Impositions are laid upon their Ships and Goods than on the Ships and Goods of Persons who are Natives and Inhabitants of the said Plantations ; It is therefore Our Will and Pleasure, that you do not, upon any pretence whatsoever, on pain of Our Highest Displeasure, Give your Assent for the future to any Law wherein the Natives or Inhabitants of the Province of Pensylvania, under your Government, are put on a more advanta-

geous footing than those of this Kingdom. It is, further, Our Will and Pleasure, that you do not, and you are hereby expressly forbid to, pass any Law by which the Trade or Navigation of this Kingdom may be any ways affected; hereby declaring it to be Our Royal Intention that no Duties shall be laid in the Province, under your Government, upon British Shipping, or upon the Product or Manufactures of Great Britain, upon any pretence whatsoever.

G. R.

Indorsed—"Instruction against laying any Duties whereby the Trade or Navigation of Great Britain may be affected."

G. PHENNEY TO GOV. GORDON—APPOINTMENT, 1732.

May 6, 1732.

Sir:

I take this first opportunity upon my Arrivall at Williamsburgh, in Virginia, to transmit to you a Letter from the Comm^{rs} of his Majestys Customs, to acquaint you with my being appointed Surveyor General of the Southern District of America, in the room of Mr. Fitzwilliam. I hope to have the Satisfaction of Seeing you in the fall, when I shall make it my Endeavour to convince you that

I am, very truly,

Sr,

Your most hum. Servant,

G. PHENNEY.

His Excell^y Pat. Gordon, Esq^r.

GOV. OGLE TO GOV. GORDON—CRESAP, 1732.

Sir:

I here send you a Packet for Cap^t Warren, Commander of his Majestys Ship the Solbay, at New York, which it is the desire of the Lords Commiss^{rs} of the Admiralty, may be sent forward to him with all expedition, it being of Consequence to his Majesty's Service. I have just received it from the Governour of Virginia, and have given it all the dispatch I can in Conveying it to you, and at the same time have taken this opportunity of sending along with it a Letter for the President of his Majesty's Council, at New York, which I likewise beg the favour of you to take care of. I received the favour of your Letter in relation to Cresaps abusing some Indians, and hope I have taken effectual care, both to satisfy Cap^t Civility, and prevent Cresap's doing any thing of that nature for the future,

which may be of worse Consequence to both Provinces than any Dispute we can have amongst our Selves, which I assure you, however, shall always be avoided as much as possible on my part, being very truly, with great Esteem,

Sir,

Your most Obedient

humble Servant,

SAM: OGLE.*

Annapolis, May ye 7th 1752.

EDMD. CARTLIDGE TO GOV. GORDON.—INDIAN TRADE, 1732.

May Itt Please your Honour—

According to your orders I have Deleiverd the message to The Shewanise and Six Gallons of Rum, they Seemed Exceeding Joyfull thatt ye Govern^{mt} of Pennsylvania Still had them In Remembrance, Butt I have nott had their answer as yet, Shall go In about 10 Days for Itt.

Some of ye Cheiffs of ye Delawares are outt Still a hunting, So I have nott as yett Deleiverd the message to them, butt Shall as soon as they Can Come together. The Cheiffe man of ye french Came to ohioh to the Shawanise the day before I wentt there, to Deleiver the message, and offered to make his Speech, butt they putt him of till I Came: for I had been with them before and appointed the time, Likewise they was willing I Should hear his Speech, which I Did, and Took itt Down, and has Sentt you a Cöppy. The french Seem Very kind and Courtyous for the p^rssentt, butt, how Long itt may hold I know nott. And whereas the french is Comeing to Settle here, There is a more nessesity for a Better Regulation of the Indian Trade than heretofore, for altho they seem fair att p^rssentt no Doubt butt they will Take all advantages againstt us to Insinuate with ye Indians In order to Lesson their Essteem for us and make themselves Looke more famous. In Case any of our people Should any ways Transgress or Bring Large quantity of Rum, and mischieff Ensue thereby, Likewise ye Eyes of the Indians are all now upon us, as weighing both us and the french In a Ballance to See which will bee found wanting.

Severall of our Indians Reflects on mee, and Says thatt I have Told them from time to Time thatt there Should nott Come Such Large quantity of Rum among them, butt they See no Truth In Itt, and admires thatt the Govern^r Cannott Rule his own people.

There has been Large quantitys of Spirrits Broughtt here & Dissposed of by p^rssons as has Taken Lycence, Contrary both to their Bonds and oaths of which In my nextt I Shall Give you an Acc^t.

* See Gov. Gordon's answer, June 15—p. 330.

Some Time agoe In february Lastt here was a man Belonging to John Wilkins, whose name is John Kelly, Told one of the Cheiffs of the Shawanise att ohioh, viz. : my friends I have heard news for Certain, and as you are my friends Ile Take pittty on you and Tell you in privatt, thatt the whole Setlementt of Christians are In friendship with the five nations, and those nations have Told our Govern^r thatt they have Eatt Severall of the Shawanise flesh and there are butt a few Leftt and If they Should Speak they would Eatt them all, and also Said thatt the french had no business here att ohioh, and thatt the merchants of Philad^a would Stop their Goods from Coming among them : and ye English would Come and Carry ye french to prisson : and So Took his Leave and wentt home, This I had from the Indians own mouth, and Peter Charteire Interpreted to mee This Information of his, putt all ye Shawanise Into Such a Consternation thatt they thoughtt of nothing Else butt a warr, and had nott P. Charteire and the french people Sattissfied them to ye Contrary, the Consequence mightt have been fatall to Some, So thatt Care Should be Taken who Comes here on acc^t of Trade, and not Suffer Such Idle Lying Villans to Come among the Indians.

I find Peter Charteire well Inclined and Stands firm by the Interestt of Pensylvania, and Very Ready on all acc^{ts} to Do all the Service hee Can, and as hee has the Shawanise Tongue Very perfectt and well Looktt upon among them, hee may Do a greatt Deale of Good, I Could nott have any Conversation with ye french By Reason of James Le Tortts nott attending, altho hee knew both Time and place hee has been of no Servis to me att all.

May Itt Please your Honour,

Humbley asking pardon, I have Drawn up and Enclosed a Seceime for a Law for the Better Regulateing of the Indian Trade, which when Refined by men of Sense and Learning, and passed Into a Law, I humbly Conceive will be of Service for ye Safty of our province.

As to whatt is Committed to my Charge I shall Do the Bestt I Can to Serve your Honour and the publick, and as soon as I have Disspatched all the business I have from you to Do, I Shall, God willing, Come and Give you a full acc^t of all. In the Mean Time,

I Remain your Honour's

Dutyfull and faithfull Ser^{tt},

EDMD. CARTLIDGE.

May ye 14th, 1732.

P. S.—Thatt Reportt was wrong Represented to mee by J. Patterson's people when I sentt Mr. Logan an acc^t thereof, Butt now I h^{ve} itt as afores^d from ye Indian's own mouth.

TO COMMISSRS. FOR A BRIDGE AT COBB'S CR., 1732.

May 20th, 1732.

Sir,

I am directed to give you Notice, that by an Order of Council bear'g date ye 4th curr^t, you wth Sam^l. Powel of this place, Carp^r, are appointed to view ye most convenient place for erecting a Bridge over Cobb's Creek, to treat w^t Workmen and to compute the Cost of the same, in order to be laid before the Board for their Approbation, I am, therefore, to desire that you will fix on some day next week for meeting Mr. Powel at Darby, & proceed^s to consider what the Council has thought fitt to recommend to y^r Care, & am Sr.*

Indorsed—"R. C. to ye Chief Justice."

MESSAGE SHAWNEE CHIEFS TO GOV. GORDON, 1732.

The Cheiffs of the Shawanese to The Honourable Govern^r of Pensilvania.

Wee Received your message by our friend Edmund Cartlidge, and Take itt very Kindly and Returns you Thanks for ye Dram Given us, and wee hereby acquaintt the Govern^r of the reason thatt wee are come to Setle here att Ohioh.

About nine years agoe the 5 nations told us att Shallyschohking, wee Did nott Do well to Setle there, for there was a Greatt noise In the Greatt house and thatt in three years time, all Should know whatt they had to Say, as far as there was any Settlements or the Sun Sett.

About ye Expiration of 3 years affore S^d, the 5 nations Came and Said our Land is going to bee taken from us, Come brothers assistt us Lett us fall upon and fightt with the English, Wee answered them no, wee Came here for peace and have Leave to Setle here, and wee are In League with them and Canott break itt.

Aboutt a year after they, ye 5 nations, Told the Delawares and us, Since you have nott hearkened to us nor Regarded whatt we have said, now wee will pettycoatts on you. and Look upon you as women for the future, and nott as men. Therefore, you Shawanese Look back toward Ohioh, The place from whence you Came, and Return thitherward, for now wee Shall Take pittty on the English and Lett them have all this Land.

And further Said now Since you are Become women, Ile Take Peahohquelloman, and putt itt on Meheahoaming and Ile Take Meheahoaming and putt itt on Ohioh, and Ohioh Ile putt on Woabach, and thatt shall bee the warriours Road for the future.

One Reason of our Leaving our former Settlements and Comeing

* See Colon. Rec. vol. iii. p. 456, 459.

here is Severall negro Slaves used to Run away and Come amongst us, and wee thoughtt ye English would Blame us for Itt.

The Delaware Indians Some time agoe bid us Departt for they was Dry, and wanted to Drink ye land away, whereupon wee told them Since Some of you are Gone to Ohioh, wee will go there also, we hope you will not Drink that away too.

And Whereas The Govern^r Desires to See Some of us att Philad^a we Shall answer his Requestt for Some of our Chieffs, will Come this Summer and pay him a Visitt, butt how many of us or Exactt the Time wee know nott as yett, Butt when wee are Gott so far as Peter Chartieres, wee shall send word how many of us there Is and when we shall bee there, and Bring our friends ye Conestogoes along with us In the mean time, wee Remain your friends and Brethren.

Presentt.
JAMES LETORT.
Interpreter.
PETER CHARTIRE.
his X mark

NOOCHICKONEH.
his X mark.
PAWQUAWSIE.
his X mark.
UPPOCKEATY.
his X mark.
QUEEQUEPTOO.
his X mark.

Taken Down by mee,
EDM^d. CARTLIDGE.*

To The Honourable Governour of Pensilvania, These with Care and Speed.

June ye 7th, 1732, or thereabouts.

Gov. GORDON TO Gov. OGLE, 1732.

Philad^a. June 15th, 1732.

SIR:

I received yours of the †7th ult^o. with the Packets enclosed which I took care to forward, I am likewise to return you my thanks for the Notice you have taken of what I represented touching Cressaps abuse of our Indians.

The candid & friendly Declaration which you are pleased to make in the Close of that Letter of avoiding as much as is possible on your part any Disputes between the two Provinces, gives me an assurance that you will readily excuse the trouble I now give you in acquainting you with an Information I have lately had, which if true is like to create no small uneasiness in this Government.

I cannot doubt but by this time you are fully appris'd of thee agreem^t between our Proprietors being finally concluded & the terms of it are not yet fully made known to me, yet I have learnt thus

* See Col. Rec. Vol. III, p. 491.

† See at page 326.

much by good Information from the very best hands that the utmost Northern Boundary of Maryland, will not come within sixteen miles of Conestogoe Indian town, so that Cressap is at least 20 Miles within Pennsylvania, Notwithstanding which I have lately understood that he has not only obtained your License for *keeping a Ferry* at the blue Rock, but that Warrants have been issued from your Land Office to some Dutch Men & others, for large Quantities of Land in those parts and that some Gentlemen of Maryland, were daily expected there to run out Lines & Dispose of the Lands to Purchasers, I would willingly flatter my self that these Reports are without any manner of foundation, especially considering the present juncture, when a very little time must effectually clear up the whole and as it is my hearty desire not only to preserve a good understanding between the two Provinces, but likewise to cultivate a real and firm friendship with a Gentleman of Mr. Ogle's Character & Merit, I must earnestly request that all Proceedings of this Nature may be suspended and that you would be pleased to give Directions to the Gent. of your Land Office, not to issue any Warrants for Land in those parts since I can now assure you that they are indisputably within this Government, by the agreem^t concluded your Compliance herewith will save us both much trouble for tis with the greatest Reluctancy that I am thus frequently obliged to mention this Subject and will lay a particular obligation on.

Sr.

Your most obed^t humble Serv^t

P. S. Since writing the above I have rece^d a further Information from a Person of good Note near Conestogoe, a Copy of which I beg leave to send you, & to make this observation on what is there ment touching first Grants, That if in Tenderness to the People our respective Proprietors have agreed to favour them, yet tis' probable this may extend no further than to those pass'd before *the year 1724, at which time an agreem't* was made between my Lord Baltimore & Mr. Penn at London, for it cannot be supposed it will reach to all Grants when & howsoever made.

Copy Gov^r. Gordon's Letter to Gov^r. Ogle.

LORDS OF TRADE AND PLANTATIONS—INJURIES, 1732.

Whitehall, June 16th, 1732.

Sr.

His Majesty having been pleased upon the Address of the House of Commons, dated the 25th* of the last month, to direct my Lords, Commissioners for Trade and Plantations, to prepare a further Representation to be laid before the House in the next Session of Parliament of the State of His Majesty's Colonies & Plantations in

* See page 288.

America, with respect to any Laws made, Manufactures set up and Trade carryed on there, which may affect the Trade, Navigation and Manufactures of this Kingdom, my Lords Commissioners have commanded me to give you this Notice, & to desire you will immediately upon receipt hereof send them what further or more particular Accounts you can of any Laws made, Manufactures set up or Trade carryed on in the Province of Pennsylvania, which may in any way affect the Trade, Navigation and Manufactures of this Kingdom; and that you will take it for a constant Rule to send my Lords Commissioners annual Returns to these Queries. I am,

Sr.

Your most humble Serv^t.

ALURED POPPLE.

Hon^{ble} Patrick Gordon Esq^r.

INTERROGATORIES, 1732.

June 16th, 1732.

1. What is the Situation of the Province under Your Government, the nature of the Country Soil, and Climate, the Latitudes and Longitudes of the most considerable places in it, or the Neighbouring French and Spanish Settlements, have those Latitudes and Longitudes been Settled by good observations, or only by common computators, and from whence are the Longitudes computed.

2. What are the reputed boundaries, and are any parts thereof disputed, what parts, & by whom.

3. What is the constitution of the Government.

4. What is the Trade of the Province the Number of Shipping, their Tonnage and the Number of Seafaring men, with the respective increase or Diminution, within tenn years past.

5. What quantities and Sorts of British Manufactures do the Inhabitants annually take from hence.

6. What Trade has the Province under your Government with any Foreign Plantations or any part of Europe besides Great Britain? How is that Trade carried on? what Commodities do the People under your Government send to, or receive from foreign Plantations.

7. What methods are there used to prevent illegal Trade, and are the same Effectual.

8. What is the Natural produce of the Country, Staple Commodities and Manufactures and what thereof in Sterling money may you Annually Export.

9. What Mines are there.

10. What is the number of Inhabitants, Whites and Blacks.

11. Are the Inhabitants increased or decreased within the last tenn years, how much, and for what reasons.

12. What is the number of Militia.

13. What Forts and Places of Defence are there within your Government, and in what Condition.

14. What Number of Indians have you and how are they inclined.

15. What is the Strength of the Neighbouring Indians.

16. What is the Strength of your neighbouring European, French or Spaniards.

17. What Effect have the French or Spanish Settlements on the Continent of America upon his Majesty's Plantations, especially on your Province.

18. What is the Revenue arising within your Government, and how it is appropriated.

19. What are the Ordinary & Extraordinary Expences of your Government.

20. What are the Establishments Civil and Military within your Government, and by what authority do the officers hold their Places.

It is desired that an Annual return may be made to these Queries, that the Board may from time to time be apprized of any Alterations that may happen in the Circumstances of your Government.*

PETITION OF ROSS AND CARROLL—LANDS ON SUSQUEH. 1732.

To his Excellency Samuel Ogle, Esq^r, Governour of the Province of Maryland.

The Humble Representation of John Ross and Charles Carroll, both of the City of Annapolis, humbly complaining,
Sheweth :

That some time in or about the Year 1729, the said Charles Carroll located a Warrant of ten Thousand Acres of Land on ye vacant Land lying on ye Creeks called Pipe Creek, Codorus, Conavaga, & the Drafts of the said Creeks and other the Vacant Lands to them contiguous, according to ye accustomed Method used within his Lordship's Province for the taking up Lands, which Location, since the above Time hath been & now is in the Possession of the Surveyor of Baltimore County in usual Form, renewed from Time to Time; that in the Year 1732, the said Charles Carroll took the said John Ross, concerned with him in the said Warrant & Location, & they, apprehending some Cultivation made during the former Location, concluded the said Warrant could not affect such Cultivation, wherefore the said John Ross, by his Humble Petition to his Lordship's Manager of Land Affairs, set forth the said Cultivation & prayed a special Warrant to take up the same in Express Terms, specifying the Place & Persons in whose Possession the same was, which being granted, a special Warrant Issued, which is also in the Hands of the said Surveyor of Baltimore County.

* The reply has not been found.

That on or about the 14th of June last past, the said John Ross & Charles Carroll went to view the said Lands, the better to inform themselves in what manner to make & finish a Survey of the same; in the Discovery & Endeavouring to perfect & settle which they have hitherto been at great Charge & Trouble.

That on or about Wednesday, the 21st of the said Month, they came to the House of John Hendricks, on Susquehanna River, & within his Lordship's said Province; that at the said House, during their Stay the same Day, there came several Persons there, who, as they, the said Ross & Carroll were told, had a Warrant from one Mr. Wright, a Justice of the Peace on the North Side of the River, for one John Tradane of this Province, & Resident on Monokesie, & which the said John Hendrick told the said Ross & Carroll was intended to try whether they, the said Ross & Carroll, would interfere by objecting to ye Power of Pensilvania; & that should they so do, they were threatened to be carried to Prison; but if they wanted any Assistance he could afford, he would serve them; that they, the said Ross & Carroll, took no Notice of the said Proceedings, nor meddled in the leaste therein, by Words or otherwise: That one Wright, being the Son of the said Mr. Justice Wright, as they were told, & who was one of the Gang that came over with the Warrant, used very undecent & unmannerly Language, reflecting on ye said Ross & Carroll, & that in their Hearing with Threats on their Liberty, as per the Depositions hereto annexed may further appear.

That one James Pattison, a Person who likewise came over the River attending the said Warrant or its effect, came into the Company of the said Ross & Carroll, & after much talk of the Right of Mr. Pen to all the Land to ye Northward of the thirty-ninth Degree of Northerly Latitude, & other Inconsistent & Incoherent Discourse, he said that all the Lands thereabouts & on the other side far below Conastoga Creek, belonged to Mr. Pen; that he had a Letter at home which he received lately from Mr. James Logan, which Letter he said advised him & all ye other People thereabouts to stand up Manfully for Pensilvania against the Marylanders, and that for his own Part he would fight to ye Knees in Blood before he should loose his Plantations on either side of the River. The said Carroll asked him if ever he had had Patent under Mr. Pen for his Plantation or the Lands he Claimed, or had Warrant for taking it up; to which he answered, neither Warrant nor Patent: the said Carroll then told him that Mr. Logan's Advice was of Dangerous Consequence, & that such, & those violent Expressions of his, tended towards a Breach of that Union which ought to subsist between his Majesties Subjects, be they in what Province they would, and that Mr. Pen's Right was not to be determined either by his Actions or Words: he said he did not Doubt but Mr. Logan would Support him and all the Rest, & that he would follow his Advice, for that he had the Letter at Home, & if he, the said Carroll & Mr. Ross, would come to his House, they should see it.

That your Complainants, before they went from Annapolis, intended over the River Susquehanna, that they were informed by several that are Mr. John Diggs, a Gent. of this Province, had been much threatened at Conestoga before to be confined, which, with the Treatment met with, confirmed them in an Opinion, that should they go over the River they might be ill used.

Your Complainants humbly Conceive that such Threats & Usage are contrary to the Known Laws & Liberty inherent to every free English Subject; that altho' the said Part of his Majesties Dominions within this Province were actually determined to be in the Province of Pensilvania, that notwithstanding all his Majesties Subjects, without Distinction, have free and equal Right to pass & Repass Unmolested.

That as the matter now stands, your Complainants having Lawful Occasions to those Parts, partly for ye Execution of the said Warrant & settling the said Land, that should they be attacked in their Liberty, or that of their Servants or Attendants, by any pretended Power of Magistracy from Pensilvania, they in their own Defence must repel Force by Force, contrary to their Desire or Inclination

Your Complainants therefore humbly Pray that your Excellency will interpose therein, & that they may be protected against such Violence in such Manner as to your Judgment shall seem meet.

J^{NO}. ROSS,
C. CARROLL.

6th July, 1732.

DEPOSITION OF LUKE MERCER—LANDS ON SUSQ'H. 1732.

Maryland, ss.

The Deposition of Luke Mercer, of ye City of Annapolis, Deposeth:

That about the twenty-first Day of June last past, he, this Deponent, was with Mess^{rs} John Ross & Charles Carroll at the house of John Hendrick, on Susquehanna River; that the said Ross & Carroll being in the Dwelling house of the said Hendrick, this Deponent was in the Kitchen adjoining, with other Persons and Servants; that several People came to the said House from the North Side of the said River, who said they had a Warrant for John Tradane, an Inhabitant of this Province, living on Monakesy, a Creek of Potomack River; that by their Discourse, he, this Deponent, apprehended that the said Warrant was partly to try whether the said Ross or Carroll would oppose the Execution thereof, & one Wright, the Son of a Justice of the Peace on the North Side of the River, being one of those who, with his Brother, attended the Execution of ye said Warrant, declared, that in case the Homeny Gentry, meaning the said Ross & Carroll, hindered their Executing the Warrant, or carrying the said Tradane over the River, that they themselves should be

carried there and put in Prison, & that the best of their Homeny Gentry in Maryland should not get them out; & that if the Governour were there they would serve him in the same Manner; that they would teach them to come to take up their Lands, and that neither they nor their Marylanders should come there to make a Homeny Country of their Lands, with other reflecting & abusive Language to that Purport.

This Deponent further deposeth, that during the whole Time of their stay & Dispute with the said Tradane, that they, the said Ross nor Carroll interfered therein, or that he could see or learn, spoke to any of those concerned relating thereto.

This Deponent further Deposeth, that the Person who, as he apprehended was made Constable to execute the said Warrant, & one James Pattison, threatened the said Tradane very violently, that in Case he opposed being carried over the River, they would tie him Neck and Heels & haul him along like a Dog. Sworn to before me, one of his Lordships Justices of the Peace for Annarundell County, this 6th Day of July, 1732.

AMOS WOODWARD.

(Copia.)

GOV. OGLE TO GOV. GORDON, BOUND'Y LINE, &c., 1732.

ANNAPOLIS, July 10th, 1732.

Sir:

I have received the favour of your Letter in relation to Stoneman's coming to Annapolis, with other matters therein contained, and tho' I am perswaded neither of us intend any thing but what is fair and reasonable for the Interest of our Respective Proprietors, yet by the behaviour of your people encouraged by Some of your Magistrates, I fear both of us must have a great deal of trouble upon our hands, whatever our own inclinations may be. The shortest way to answer all the facts that have been so falsely represented to you is to acquaint you at once with all I have done. You may remember in one of your former Letters you told me the report was that my Lord in compensation for the three Lower Counties, and part of Cecil County was to have so much to the norward, that Cresap might probably be in Maryland, and we had here at the same time a report that the Line that was to divide the two provinces was only to run west as far as Susquehannah, but on the west side Maryland was to run up to the 40th degree of Latitude: which I still hope will be the case. Upon Cresap and Stoneman's coming to Annapolis, I used them as civilly as I shall always do to every one who is a Tenant of my Lords or desirous to be so, but at the same time deferred the consideration about granting warrants to

the Dutch till I heard exactly what agreement was made: tho' I judged it so far necessary for his Lords^{ps} Interest to give one warrant to Stoneman, which is a matter of too small consequence to have any words about it; and as Cresap applyed to my Ld^a Agent for the Ferry for a twelvemonth only he apprehended very rightly it could be of no consequence to grant his request wherever the Limits might happen to be, as I never thought of granting any warrants except Stoneman's, till I heard from my Lord, it is needless to say any thing to the right that people might have by them, but as the writer of the Letter from Hempfield asserts positively that I told Cresap and Stoneman that I had granted warrants to Some great men in Maryland to take up some thousands of acres along Susquehannah, I must desire the favour of you to inquire who is the Author of that Falsehood, for I believe you will readily agree with me, that Such people ought not to be encouraged in their endeavours to disturb the peace that ought to be betwixt the two provinces, and indeed the behaviour of your people has really induced me to think that it will be impossible for us to put an end to our disputes in an amicable way: but as the inclosed papers, (the truth of every article of which I have taken great care to inquire unto,) will fully inform you of the disposition of your people, I shall not trouble you with any thing further on this head at present, but conclude myself with perfect Esteem. Sir,

Your most humble Serv^t.

SAM: OGLE.*

GOVR. GORDON'S REPLY TO GOVR. OGLE, 1732.

PHILAD., July 26th, 1732.

Sir:

Having received yours of the 10th† Inst. by Mr. Chew, I must crave leave to say in answer, that I have accounted it my happiness ever since my arrival in this place, that I have had a perfect good understanding with the Gentle^{mn} in the like Station, in the neighbouring Provinces, more particularly with your Predecessors in my time, and I could not but be still further satisfied in receiving upon your Accession, and since your generous & ample professions of the same inclinations on your part which I cannot in the least question were very sincere & becoming your Character, I am under no small concern therefore that you should think it necessary to found any Complaints on the Papers you have been pleased to send me.

To enter into the particulars of the dispute between our Proprietors would be tedious, and as both you (as by your Letter to me of the 5th‡ April,) and I from other good Accounts have reason to hope

* See Gov. G.'s reply, July 26, 1732, below.

† See it p. 336.

‡ See page 320.

& believe that Dispute is happily at an end, such an attempt would be altogether unnecessary; It may suffice therefore to say, that from good & strong arguments drawn from both the Royal Patents for these Provinces, Our Proprietors have claimed below or to the Southward of 40 Degrees of Latitude compleat, and my Lord Baltimore having as I am informed caused a Line to be run about the year 1682 Eastward, from the Mouth of Octoraroe, and made that the bounds of his Claims at that time to the Northward, I find People of this Province took up with that Line as a real Boundary, till the matter could be more fully adjusted, upon which about 30 years since they settled Nottingham, & have ever since held the Possession of all or most of the Lands to the Northward of the said Line, and it was further understood that the same Line was to extend from the mouth of Octoraroe as well Westward as Eastward, & to make the compleat Boundary of both Provinces. This Province therefore has look'd on all Surveys made by Maryland to the Northward of that Line, either on this side Susquehan^{ah} or beyond it as ineroachments on their Rights.

But his present Lordship not approving this, several attempts were made to accommodate the Difference, & till that could be done it was absolutely agreed between the Proprietors at London in 1724, that no Surveys should be made on either side in the disputed places till the Boundaries should be fixed for which a time was limited, & that expiring before the other was done, We have always understood here, & so did your immediate predecessor, his Lordships Brother on our treating on that Subject that the same Convention should Subsist till the matter was further accommodated, all which notwithstanding the numerous Settlements made by those who forced themselves upon us from Ireland & Germany, has been so punctually observ'd by our office that there has not been one Survey made, as is affirmed to me by Order of that Office, within the Limits which it was conceived Maryland either could or would claim.

Now Cressap's Settlemt^t on which the first Complaint was made, I have been assured is between 20 & 30 Miles to the Northward of the Line above mentioned; About 2 or 3 years since we heard of some Surveys made or attempted by some of that Province at Cadoras, but the place was so very far out of their way that we could not believe it till the Persons themselves have now thought fitt to declare it upon Oath which is what indeed we could never have expected.

But what is most unaccountable and appears really mysterious to me is, that our People have mett with more attempts on their Property in those Northern parts since we received the account of an agreement between the Proprietors than at any time before were affidavits of any Service you might be furnished with divers to prove that offers have been made by some from Maryland to the Dutch settled at Conestogoe these 20 years past, & who have had

Patents near as long to sell the same Lands over again, divers have threatned to lay Maryland Warrants upon and to Survey out a Mannor laid out to our Proprietors about 16 years since more Northerly than this City of Philadelphia with offers to warrant & defend the Sales against all Persons whatsoever, We have heard (I say) more of this kind of late than ever before, and tho' such a Conduct in those unadvised Persons who thereby seek to distract the People's minds, & make them doubtfull in Cases that must most nearly affect them (vizt:) their Titles & Right to their Estates is really provoking, yet I could not think it proper to take any notice of it, but encouraging our People to be easie, advised them rather to slight all such discourse, and if Mr. Logan did the same to J. Paterson, who has been settled on that Mannor above 15 years, but because it is a Mannor has no Patent, and on his Complaints of such threats encouraged him to defend his Possession he could not certainly be complained of, nor would those Gentlemen who have made such irregular & unreasonable Surveys which are North of all the Claims, as I understood that ever Maryland had made, easily defend their Conduct if they were call'd to account for it, but what they can mean as Gentlemen to trouble you or even themselves with Complaints of unmannerly Language from Boy's for Mr. Wright a worthy good Man himself, I think has no Sons, but such as are of that age I cannot easily imagine.

Upon the whole Sr either the agreement between our Proprietors is compleated or not, If it is there can be no manner of Room for these altercations that agreement will fully put an End to them if it should not be finished, I conceive it will be your business & mine to take the most amicable & rational measures to preserve Peace between His Majesty's Subjects committed to our Care in such a manner as it generally has been hitherto maintained till such time as it can be compleated, I am well assured, these are my worthy Lord Baltimore's own Inclinations, you have also given me the strongest assurances of yours & as I have hitherto done, I shall while I have the Honour to continue in this Station evince mine by my Conduct, We may happen to have other enemies more than enough to contend with, but however that prove I hope as Subjects of the same Gracious Sovereign, we shall think it incumbent on us to promote Peace and agree amongst ourselves. I am indeed concerned at these last affidavits for which I am perswaded when you take the trouble to inform yourself better you will not believe there was any Occasion, and am not a like troubled at your saying you are induced to think it will be impossible for us to put an end to our disputes in an amicable way, the meaning of which I can by no means comprehend. You were pleased (as I have said) in your Letter of the 5th April, to tell me that you had just received Advice from England, that my Lord Baltimore had come to an agreement with the Proprietors of Pennsylvania, and we have had repeated accounts to the same purpose, vizt., that in February last the agreement was fully

completed, and nothing remained but to execute the writings which were then Engrossing the terms of which tho' more advantageous to Maryland than what is above mentioned, we understood were so just as would leave no room for dispute in the places where those late Complaints have arose. If you know any thing to the contrary I am perswaded it will be incumbent on us immediately to think of the most pacific measures. The reason we have had no later Letter on our part is that one of our Proprietors invested with full Powers was to embark in April or May for this Province, and his arrival here is every day expected.

I shall not omitt making a proper Enquiry into that part of the Letter from Hempfield, which you take Notice of, and tho' I give entire Credit to what you are pleased to say on that head, yet as the Writer of the Letter is a Man of known varacity, I cannot question but the matter was so related to him by Stoneman. I heartily wish you all Happiness, & beg you'll believe me to be

Sir,

Your obedient and very
humble Serv^t.

Indorsed.—"Copy Gov^r. Gordon's Letter to Gov^r. Ogle, July 26, 1732."

LETTER TO GOV. ON INDIAN OUTRAGE, 1732.

Honourable Governour :

After our due acknowledgments of ye Governour's favour Especially unto us Shown, We would hereby put thee in mind that, upon our Complaint of Some abuses done unto John Maddox, at Allegany, by ye Delaware Indians, the Governour was pleased to send a Letter unto Allummapis, Opecasset, &c., Chiefs of ye Delaware Indians, To Shew them ye unjustness of that action, and as well, demanding Satisfaction for ye Same.* But we have now waited above two years, and have not received one penny Recompence, Allummapis did promise us pay for our goods, which was violently taken from us, at Such time as he Should Sell their Lands. But those Indians as did ye wronge at Allegany, made very light of ye Governour's letter and did not in ye least regard it, when it was distinctly read unto them. I am Sensible ye Governour hath not forgotten ye good Services I did in ye Most difficult times of approaching Dangers in this province, with y^t people, and my labour and losses, I went thro' at y^t time; For ye above, as well as other reasons which I could advance, I have great Confidence y^t ye Governour will Assist us in ye recovery of Satisfaction for our goods, Damages Sustained, and ye abuse offered John Maddox; which is all we desire, for I have Suffered great losses, in order y^t ye Indians might have Justice done

* See pp. 265, 266.

them, which they themselves acknowledge. I shall likewise be as uneasy, if I have not ye like from them. I hope ye Governour will excuse me, if I have not written after ye method of Some who have Clarks to write & Counsellors to dictate for y^m. And we shall still acknowledge thy love & goodness, which was hitherto extended towards us to ye utmost of thy power in this affair, for I am well assured if we are not paid when they sell their lands, we shall never after receive one farthing.

Philad^a, 6 mo., 1732.

GEO: BOONE,
JOHN MATTOX.

THE DELAWARE CHIEFS TO GOV. GORDON, 1732.

ALLEEGAENING, Augustt ye 8th, 1732.

The Cheiffs of the Delawares Indians att Allegaening To The Honourable Govern^r of Pensylvania.

We Received your message By our fr^d Edm^d and a Cask of Rum for which wee Return you hearty Thanks; and are Glad thatt the Govern^r has us In Remembrance, tho' att Such a far Distance. The year being far Spentt, and ye Cheiff time of hunting Comeing on, wee hope the Govern^r will Excuse us nott for Imediately Comeing to See him att his Request; Likewise, wee are no ways prepared for Such a Long Journey, Butt ye Govern^r may Depend upon Itt wee Shall Shall Answer his Request, and Come Early In the Spring. In the mean time, as wee have always been, wee Shall Remain, And Continue your True fr^{ds} and Brethren. In Confirmation thereof, wee Send you this String of wampum.

QUOOWAHOUNE,
OPPOHWHYECKUN,
his ✕ mark.
QUEEKOIKAHWIN,

MERHEGOAKEHUK,
his ✕ mark.
SHAWANOPPAN,
ALLEMYKOPPY,
OHAHMONDAMAW,
his ✕ mark.

Directed—

“For The Honourable Govern^r of
“Pensilvania.”

Indorsed—“Message from ye Delaware Indians att Allegheney.”

GOV. GORDON TO GOV. OGLE, 1732.

Sir: The Gentleman who brings this, is sent by Our Proprietor, who

arrived here last Saturday, to convey to your hands that long expected Agreement between My Lord Baltimore & Our Prop^{ry} family, which, it may be presumed, will effectually putt an End to those late Disputes and Uneasinesses that cannot but have been equally disagreeable to you as well as me. Commissioners being named on both sides for compleating what the respective Proprietors have agreed on, I understand you are first named on the part of Maryland, as I am on that of Pennsylvania, & since I am well assured that it is your Lord Prop^{rs} earnest desire to have what yet remains to be done carried on & perfected in the easiest & best manner, I shall be pleased to know your Sentiments, where & when it may be most proper for us, with some number of the Commissioners on either side, to meet & concert the measures requisite for the Discharge of the Duty now incumbent on us. The Town of Newcastle may perhaps be most convenient for our Accommodation, but if that should be thought too far distant from Annapolis, I should be glad to know what other suitable place you can name. It will be needless to observe that, as we find it is my Lord Baltimore's desire equally with Our Proprietors that as little time as possible should be lost in finishing this Affair, it will become us both, as far as lies in our power, to answer their Expectations, in the Discharge of which I am pleased to think that I shall soon have an Opportunity of Kissing your hands & testifying the Regard wherewith I am.

Sr,

Your most obed^t humble Servant.*

August 19th, 1732.

Indorsed—"Copy of my Letter to Gov. Ogle. This is ye Draft of what was Sent."

Gov. OGLE TO Gov. GORDON, 1732

Sir :

I have received the favour of your Letter by Mr. Georges,† and as I am very sensible it is the desire of both our Proprietors, to bring affairs to a final conclusion in the most easy and amicable manner, I assure you, I shall readily join with you in any measures that may be thought proper to give the speediest dispatch to the business we have now in hand ; as it is so very inconvenient to us to come to Newcastle, which must retard business very much, I hope you will not think it very extraordinary trouble to come Something nearer to us, which you can with the greater ease do as you have not the Bay to cross, but as we cannot think upon a proper place as yet, I must

* See Gov. Ogle's reply, Aug. 23 ; also Col. Records, vol. iii., p. 496.

† See page 341. Aug. 19.

referr you to Mr. Georges for what I have further to offer to you upon this head, as well as in relation to the time of our meeting, which I am desirous should be as soon as we can possibly prepare our Selves for the work ; in the mean time, I remain, with great Sincerity,

Sir,

Your most Obedient
humble Servant,

Aug. 23, 1732.

SAM : OGLE.

REPLY OF GOV. GORDON TO GOV. OGLE, 1732.

SIR :

I received yours by the Return of our Prop^{rs} Secretary, to whom you are pleased to refer what you had to offer as to the Place & time of our meeting. I understand from him that 'tis your Desire to have the Interview as soon as possible, & that you proposed Newtown as a Place Suitable for us, both with respect to its Distance from Annapolis & this City. For my own part I have no Objection to meeting you there, nor did I mention New Castle with any other view than as a Place perhaps more convenient. But as I am oblig'd to meet the Assembly of ye Country at New Castle, the 12th of next month, whose session will not I believe continue above four or five days at most, it would Save several of us a good deal of travelling if we could from thence proceed to Newtown, so as to meet there the 18th, where we may concert measures for begin^g the Work, as has been proposed, in the first week of Octob^r. To w^{ch} I shall hope for your Answer, & am w^h Respect,

Sir.

Philadelphia, August 30th, 1732.

Indorsed—Gov^r Gordon to Gov^r Ogle, Aug^t 30th, 1732.

GOV. OGLE'S ANSWER TO GOV. GORDON, 1732.

SIR :

I have rec'd the favour of yours of the 30th of last month, and as, out of my great desire to proceed with all possible dispatch towards the fullfilling of the Agreement between our respective Proprietors, I proposed the first week of October for our meeting at Newtown, so I wish with all my heart it was in my power to wait upon you still sooner than the time proposed, and the more so, be-

cause it suits with your conveniency, as being obliged to meet the Assembly at New Castle; but as our meeting before we are on both sides ready to proceed to business can no way forward the work in hand, I believe it will answer all our intentions fully to keep to the time proposed; therefore if you approve of the first Friday in October for our meeting, wee will not fail to kiss your hands on that day at the place above mentioned, in the mean time I remain with perfect Respect,

Sir,

Your most Obedient

Humble Servant,

SAM. OGLE.*

Annapolis, Sep^r 4th, 1732.

Indorsed—Gov^r Ogle, Sep^r 4th, 1732.

INDIAN DEED—SASOONAN &C., 1732.

We, Sasooaan alias Allummapis, Sachem of the Schuylkill Indians, in the Province of Pensilvania; Elalapis, Ohopamen, Pesqueetomen, Maycemoe, Partridge, Tepakoaset alias Joe,

on behalf

of our Selves and all the other Indians of the said Nation, for and in Consideration of twenty brass Kettles, one Hundred Strowdwater Matchcoats of two Yards each, One Hundred Duffel Ditto, One Hundred Blankets, One Hundred Yards of half Thicks, Sixty linnen Shirts, Twenty Hatts, Six made Coats, twelve pair of Shoos and buckles, Thirty pair of Stockings, three Hundred pounds of Gun Powder, Six Hundred pounds of Lead, Twenty fine Guns, twelve Gun Locks, fifty Tommyhocks or hatchets, fifty planting houghs, one Hundred & twenty Knives, Sixty pair of Scissars, one Hundred Tobacco Tongs, Twenty four looking Glasses, Forty Tobacco Boxes, one Thousand Flints, five pounds of paint, Twenty four dozen of Gartering, Six dozen of Ribbon, twelve dozen of Rings, two Hundred Awl blades, one Hundred pounds of Tobacco, four Hundred Tobacco Pipes, Twenty Gallons of Rum and fifty Pounds in Money, to us in hand paid or secured to be paid by Thomas Penn, Esq^r, one of the Proprietors of the said Province, the receipt whereof we do hereby acknowledge, Have Granted Bargained Sold Released & Confirmed and by these presents Do Grant Bargain Sell Release and Confirm unto John Penn, the said Thomas Penn & Richard Penn, Esq^{rs}, Proprietors of the said Province, all those Tracts of Land or Lands lying on or near the River Schuylkill, in the said Province, or

* See Gov. G.'s Answer, Sep. 14, p. 347.

any of the branches streams fountains or springs thereof, Eastward or Westward, and all the Lands lying in or near any Swamps Marshes fens or Meadows the waters or streams of which flow into or towards the said River Schuylkill, situate lying and being between those Hills called Lechaig Hills and those called Keekachtanemin Hills, which cross the said River Schuylkill about Thirty Miles above the said Lechaig Hills, and all Land whatsoever lying within the said bounds and between the branches of Delaware River on the Eastern side of the said Land, and the branches or streams running into the River Susquehannah on the Western side of the said Land, Together with all Mines Minerals Quarries Waters Rivers Creeks Woods Timber & Trees, with all and every the Appurtenances to the hereby Granted Land and premises belonging or appertaining, To have and to hold the said Tract or Tracts of Land Hereditaments and premises hereby Granted or mentioned or intended to be hereby Granted, (That is to say all those Lands situate lying and being on the said River Schuylkill and the branches thereof, Between the Mountains called Lechaig to the South, and the Hills or Mountains called Keekachtanemin on the North, and between the branches of Delaware River on the East, and the Waters falling into Susquehanna River on the West,) with all and every their Appurtenances, unto the said John Penn, Thomas Penn and Richard Penn, their Heirs and Assigns, To the only proper use and behoof of the said John Penn, Thomas Penn and Richard Penn, their Heirs and Assigns forever, So that neither We the said Sasoonan alias Allummapis, Elalapis, Ohopamen, Pesqueetamen, Mayeemoe, Partridge, Tepakoaset alias Joe

nor our Heirs nor any other Person or Persons hereafter shall or may have or Claim any Estate Right Title or Intrest of in or to the hereby Granted Land and premises or any part thereof, But from the same shall be Excluded and forever debarred by these presents, In Witness whereof the said Sasoonan alias Allummapis, Elalapis, Ohopamen, Pesqueetomen, Mayeemoe, Partridge, Tepakoaset alias Joe have hereunto set their Hands and Seals, at Stenton, the Seventh day of September, in the year of our Lord one Thousand Seven Hundred and thirty two, and in the Sixth year of the Reign of King George the Second over Great Britain, &c.

We, the above named Sasoonan als Allummapis, Elalapis, Ohopamen, Pesqueetamen, Mayemoe, Partridge, Tepakoasset als Joe, Doe hereby Acknowledge to have had and Received of & from the above named Thomas Penn, all & every the above mentioned parcells & quantities of Goods and fifty Pounds in Money, being the full Consideration for all & Singular the above Granted Lands & premises, and Doe Acknowledge our Selves fully Satisfied & contented for the same, as Witness our Hands.

Sealed and Delivered by Sasoonan, Alalapis, Pesqueetom, Ohopamen, Maye-

SASOONAN als ALLUMAPIS,
his ✕ mark.
ALALAPIS, his ✕ mark.

moe, Partridge & Tepakoa-
set, in the presence of

JAMES LOGAN,
THOMAS FREAME,
ISAAC NORRIS, Jun^r,
ROBT. CHARLES,
PETER LLOYD,
W. PLUMSTED,
JAMES HAMILTON,
MORD. LLOYD,
JAMES STEEL.

PESQUEETOM, his X mark.

OHOPAMEN, his X mark.

MAYEEMOE, his X mark.

PARTRIDGE, his X mark.
his

TEPA X KOASSET,
mark.

Be it Remembered, that on the twelfth day of July, in the Year 1742, I, Lingahonoa, one of the Schuylkill Indians, in the Province of Pensilvania, happening not to be present when my Brethren, Parties to the above Deed, signed & executed the same, but having now received my full Share and Proportion of the several Goods & Consideration above mention'd w^{ch} was left for my use in the Hands of James Logan, Esq^r, And having now heard the s^d Deed read interpreted & explained to me, I Do hereby signify and testify my full & free Consent Agreem^t & Approbation of & to the granting bargaining & selling all the above described & granted Lands, And do hereby join in the Sale & Conveyance thereof, To hold to and to the use of the above named John Penn, Thomas Penn & Richard Penn, their Heirs & Assigns for ever. Witness my Hand and Seal, at Philadelphia, the s^d 12th July, 1742.

Witnesses present—

B. FRANKLIN,
WM. PETERS,
CONRAD WEISER,
LYN FORD LARDNER,

The X mark of

LINGAHONOA.

Be it Remembered, that on the twenty fourth Day of September, in the Year of our Lord One Thousand Seven Hundred and Fifty Seven, Before me, William Allen, Esquire, Chief Justice of the Province of Pennsylvania, Personally appeared James Hamilton, William Plumsted and William Peters, of the City of Philadelphia, Esquires, and severally made Oath on the Holy Evangelists as follows, And first the said Deponents, James Hamilton and William Plumsted, say that on or about the Day of the Date of the within first written Deed, they saw the same Deed signed and sealed as within by the within named Sassoonan, Alalapis, Pesqueeton, Ohopamen, Maycemoe, Partridge and Tepakoaasset, in Presence of them these Deponents and the several other subscribing Witnesses thereto, and that the names James Hamilton and William Plumsted thereto subscribed to attest the same are the proper Handwriting of them

these Deponents severally and respectively, And the said Deponent, William Peters, on his Oath saith, that on or about the Twelfth Day of July, in the Year of our Lord One Thousand Seven Hundred and Forty Two, he the said Deponent, William Peters, was present and saw the within written Deed Poll or Memorandum of that Date, which is subjoined or wrote under the said within written Deed of the said Sassoonan and Others, duly signed as within, and sealed by Lingahonoa, One of the Schuylkill Indians therein named, both the said Deeds having been first carefully read, interpreted and explained, to the said Lingahonoa, before his Signing as aforesaid, in Presence of this Deponent and the other subscribing Witnesses, And that the Name William Peters subscribed as a Witness to the said Lingahonoa's Signing and Sealing the said subjoined Deed Poll or Memorandum, is the proper Handwriting of this Deponent.

WILL. ALLEN.

Indorsed—Indeed Deed—Sasoonan, &c.—for Lands on Skuylkill. Dated 7th Septem^r, 1732. Recorded Page 114. N. B. Boileau, Sec^r.

GOVR. TO THE INDIANS, 1732.

My frds & Brethren :

I received y^r Letter w^h some Strings of Wampum, by H. Smith, & shall be pleased to establish & improve an amicable Correspondence w^h your Nation. We lately had a Visit here from some Chiefs of Minguays, with whom we have renew'd our ancient Leagues & Chain of friendship, in w^{ch} you are likewise comprehended, so that you & we are to consider each other as true friends & Brethren.

I understand you deal chiefly at the great Trading house of Oswego, which I much approve; the English there & we are all one People, we hope they will treat you kindly. If any Traders from this Government should come amongst you, I desire you will receive them kindly & use them well; & in Confirmⁿ of these my Words, I send you two Strowd Matchcoats, & am

Your true fr^d. & Broy^r.

GOVR. GORDON TO GOVR. OGLE, 1732.

Sir :

A few days since I had the Pleasure of receiv^e y^{rs} of the 4th curr^t, & having consulted our Commissioners on the time & place you have

* See Smith's Laws, Vol. II. p. 116, for remarks respecting this deed.

proposed for our Meeting, we have agreed to meet you & the Gentlemen named on the part of Maryland, at Newtown, on the Sixth of next Octob^r.

I am, w^h Esteem,
Your obed^t & very
humble Serv^t.

Newc^{le}, Sept^r 14th, 1732.

LORDS OF TRADE AND PLANTATION—ON TRADE, 1732.

S^r:

My Lords Commissioners for Trade & Plantations command me to acknowledge ye Receipt of Your Lett^r of ye 31st May, 1731, with the Answers to their Lordships' Queries,* and ye Account of ye French Trade on the Continent; and to acquaint You, that my Lords have laid before ye L^{ds} of ye Committee of Council Yo^r Answers & Mr. Browne's Reply, upon ye Subject of the Dispute between You & Mr. Brown, for their Determination thereon.

Notwithstanding the Province under Yo^r Government is, as You mention, an Inland Country, and that few Incidents may happen of Consequence to His Maj^{ty}'s Interest, Yet my Lords expect constant Accounts of all Transactions in ye Province.

I am, S^r,
Yo^r most humble Serv^t,

ALURED POPPLE.

Whitehall, Oct^r 4, 1732

Maj^r Gordon,
Gov^r of Pensilvania.

DEPOSITION OF JAMES HENDRICKS, 1732.

James Hendricks, of the County of Lancaster, and Province of Pennsylvania, Carpenter, being one of the People called Quakers, on his Solemn Affirmation, According to Law, Saith, that on the twenty first of this Instant, he being at Sasquehanah River, Josiah Arnold & Daniel Calvert, of Chester County, Came over the River on the Ice, having been several Days waiting on the other side for a Passage had Lodged at the House of John Low, And during their Stay there they saw a Mare which Used to come up to John Low's House Lye Dead by one Cannon's field, which mare they Saw had been Shot; And the s^a Arnold further told this Deponent, that on the same Day as he & Calvert were Going by John Low's field, they

* See the Queries, June 16 1732, pp. 331-32-33.

Saw Daniel Low with a Gun presented at a Black mare, And William Low, who Stood Near him, Called for the Gun & said he would Shoot her. But Daniel Calvert prevented their Shooting by caling to them, who being Discovered Endeavoured to Conceal the Gun & Deny their Intention to Kill the mare, but after being further Talked to about it, They Confes'd, And Said they would Kill all the Horses that Came there.

his
JAMES I H HENDRICKS.*
mark.

Taken the 23d Day of November, 1732, }
before me, }
SA. BLUNSTON.

ORDER OF JUSTICES OF LANCASTER TO ARREST PERSONS, 1732.

Lancaster County, ss.

Whereas Complaint hath this present Day been made to us, John Wright & Samuel Blunston, two of His Majesty's Justices of the Peace for the s^d County, By James Paterson, that some of His Horses are Killed near the plantation of John Low, And that two of the Sons of the s^d John Low were seen in the fact, And have threatened to Kill the rest. And alsoe Assaulted and threatened William Macmannuc & James Paterson, Jun^r, who He had sent in Search of His said Horses.

These are, Therefore, In His Majesty's Name to Comand & Require thee to Apprehend the s^d Daniel & William Low & Bring them Before Us, to find Sufficient Surety for their Behaviour & Appearance at the next Court of Quarter Sessions; And Hereof fail not. Given under Our Hands & Seals this 24th Day of November, In the Sixth Year of His Majesty's Reign, Annoq. Dom. 1732.

JOHN WRIGHT,
SAM^l. BLUNSTON.†

To Charles Jones,
Constable of Hempfield.

* See various other documents and correspondence respecting this and other matters with Maryland, in Col. Rec. Vol. III. pp. 502, 537.

† This and the other depositions, referred to in Colon. Records, Vol. III. p. 506.

DEPOSITION OF JOHN CAPPER, 1732.

John Capper, of the County of Lancaster, in the Province of Pennsylvania, Blacksmith, being Solemnly Sworn on the holy Evangelists, Maketh Oath, That on the twenty first of this Instant, Upon Information Given to James Patterson, that Some of his horses were Killed near Thomas Crissops, on the west Side of Sasquehana River. The said James Patterson Sent this Deponent over the River To Se the Marks of the Creatures which were Killed. And Searching near the field of John Low he found Dead a Bay mare, branded with I P on the Near Thigh, which s^d Mare had been Shot with Large Turkey Shot in the Neck & Shoulder.

JOHN CAPPER.

Taken at Hempfield, in the County of Lancaster Afs^d, this 27th Day of November, 1732, Before me, Samuel Blunston, Esq^r, one of his Majesty's Justices of the Peace for the s^d County.

SA. BLUNSTON.*

DEPOSITION—JOHN LOWE, 1732.

John Lowe, Aged about forty four Years, of Baltimore County, planter, being Sworne on the Holy Evangelists of Almighty God, Deposeth & Saith That on the Twenty Sixth day of November last past, about the Dead time of the Night, He, this Deponent, being a Sleep with his Wife and Children in Bed, was awakened by a Noise and Crying out of people, Saying, Runn to this Door, Run to that Door. Whereupon this Deponent arose and Satt up in his bed, And asked, what was the matter? Thereupon two men came to this Deponents bed Side, And one of them (whose Name is James Pattison) drew a Pistoll out from his Side, And the other Person (whom this Defendant afterwards perceived to be a Constable of Lancashire County in Pensylvania) Clapt his hand upon this Deponent, And said that You (This Dep. meaning) are my Prisoner, (The Prisoner of Him the said Constable meaning). Whereupon this Deponent got out of Bed and putt on his Cloaths, and went to the Chimney, And after This Deponent had putt on his Cloaths, This Deponent told them That We (The Marylanders meaning) had got Officers & Comissioners in our Province and County, (The Province of Maryland & County of Baltimore meaning) To which James Pattison afores^d made Answer, You need not talk of your Province, For I will try the Country by the Strength of Men; And the said Pattison Also told this Deponent, that he, this Deponent, must go with them. This Deponent then said that he would not go with them; Then the Person aforesaid who was the Constable laid Hold on this Deponent, And this Deponent Shoved the Constable from him. Upon this Near Six Men fell upon this Deponent, And Gott this Deponent

* See Colonial Records, Vol. III. p. 506.

Down upon the Floor, And one of them took and held his Gunn up, and said Damn him for an Old Son of a Bitch—I will Kill him. Then they Violently Halled this Deponent out of the Doors of his own House, And when they had Gott this Deponent out of Doors, they Dragged this Deponent on the Ground near fifteen or Twenty Yards, And Pulled off one of this Deponents shoes, Hatt and Cap, and almost Throttled this Deponent; And then taking Hold of this Deponent, they forced this Deponent to go over Susquehannah River on the Ice. This Deponent having only one Shoe on & without Hatt or Cap, And when they had gott this Deponent over Susquehanah, They kept him in Custody the remaining part of the Night, and the next Morning Carried this Deponent before Samuel Blunston and John Wright, who this Deponent was Informed were Justices of Lancaster County. That the said Blunston & Wright then read over to this Deponent an Affidavit or Information which Contained (to the best of this Deponent's Knowledge) That one of this Deponents Sons Should Say that he would Kill all the Creatures, And this Deponent Saith that he doth not Remember any thing Informed or Sworne against this Deponent, and then the said Blunston said that he had done with this Deponent and Dismissed him. And this Deponent Saith That there were (to the best of This Deponents belief) about fifteen Persons in Company, Who came to this Deponents House, And Assisted in the Matter aforesaid; But this Deponent Saith that He only Knows the Names of the following Ten, (Viz^t) Charles Jones, James Pattison, Alexander M'key, John Capper, John Hart, John Pattan, James Pattan, James Pattison, Jun^r., John Trotter, and William Marmanac, And This Deponent further Saith That they not onely Used this Deponent in manner aforesaid, But also Violently Pushed this Deponents Wife back into the House whenever she came to See what they intended to do with this Deponent. And this Deponent further Saith that the Persons afores^d Seized & Pulled this Deponents two Sons out of bed, And some of them broke the Head of one of his Sons, And then forced this Deponents two Sons along with this Deponent on the Ice, over the River, to the said Blunston and Wright, who, after Examination of them, bound this Deponents two Sons over to Appear at Lancaster County Court, the first Tuesday in ffebruary next. And this Deponent Saith That He this Deponent and Edward Evans were Sureties for the Appearance of both this Deponents Sons, at the day & place aforesaid; And this Deponent further Saith that he is in very great fear that His Houses and other parts of his Property will be Destroyed by the Inhabitants on the Eastern Side of Susquehanah River.

JOHN LOW.

Sworne this 13th December, 1732, before me,

ROBERT GORDON.

Copy—J. Ross, C^l Com^s.

Indorsed—"Affid^t John Lowe."

* Referred to in Gov. Gordon's letter, December 25, '32, p. 353, also Col. Rec., vol. iii. p. 502, &c.

DEPOSITION—THOMAS CRESAP, 1732.

Thomas Crisop, Aged about Thirty Years, of Baltimore County, Planter, being Sworne on the Holy Evangelists of Almighty God, Deposeth & Saith, That he Lives about half a Mile from John Lowe, and within a few Yards of Susquehanah River, And this Deponent Saith that about the Middle of the Night, on the Twenty Sixth day of November, he, this Deponent, heard a great Noise and Hallowing in the Woods. Whereupon this Deponent got out of his Bed and Went to the Door and Saw Severall Persons on the Ice of the said Susquehanah River, And then Runn to the Persons to See what was the Matter, He, this Deponent, having before heard the Crying of Murder amongst the said Persons, And this Deponent, on coming up to the said Persons, found the said John Lowe lyeing down or Sitting upon the Ice, And thereupon this Deponent asked the Person Named James Pattison, What was the Matter, who Answered Damn your Blood, be Easy or Quiett, or I will tell you what is the matter. To which this Deponent Said, If any thing is a Miss, Go ashore, for there is no Occasion to Hall men away in the Night. To which he said, He would not have his Creatures Killed, But that he would make this Deponent and the said Lowe know That they were in the Province of Pensylvania. And this Deponent further Saith that, upon Conversation with the Inhabitants of the East Side of Susquehanah River, And especially with the said James Pattison, He, this Deponent, hath Said That if the Lord Baltimore Would not Protect them in their Rights and Land, They, the Inhabitants, on the West Side of Susquehanah River, must Apply to the King. To Which they, And Particularly the said Pattison, Have Answered, That they had no Business with the King, nor the King with them, For Pen was their King; And this Deponent further Saith that he is very much in fear that his House, and other Parts of his Property, will be some time or another Burnt or Destroyed by the Inhabitants on the Eastern Side of the said Susquehanah River. And for Cause of this Deponents fear, This Deponent hath heard both from White Persons and Indians, That the said Inhabitants have Offered to hire such White Men & Indians to Accomplish the same.

THOMAS CRESAP.

Sworne this 13th December, 1732, before me,

ROBERT GORDON.

Copy—J. Ross, C^t Com^r.

Indorsed—"Affid^t Thomas Cresap."

* See the Governor's letter, Dec. 25th, to S. Blunston, p. 353; also Col. Records, vol. iii., p. 502, and Cresap's deposition, in 1730, p. 311.

GOVR. GORDON TO S. BLUNSTON, 1732.

PHILADA. Dec^r 25th, 1732.

Sir:

A letter of yours to Mr. Charles was sometime since communicated to me about Lowe, one of Cressops Associates, & what you had done with his two Sons, who were seen in the fact of Killing Patterson's Horses. I cannot doubt but your binding them over was owing to some Breach of the Peace by them comitted, for you are sensible they were only liable to an Action at Law for killing the Horses. Unless that fact was accompanied with other Circumstances.

The Proprietor recommends to you & Mr. Wright to continue your Care for preserving Peace in the Neighbourhood, at the same time avoiding all Occasions of Contention with these troublesome Fellows, lest thro' their Means any Misunderstanding should arise between Maryland & this Province that might prove an Interruption to the Important Affairs now in Agitation between both.

How necessary this Precaution is, you will easily judge when I acquaint you that on this very Affair of Lowe, I have lately received a letter from Lord Baltemore, in which he says that several Persons of Pensilvania stand charged by the Oath of Jno. Lowe,* of Baltemore County, Planter, with an Assault committed on him & his Family at his dwelling house in that County, the 26th Day of Nov^r Last. This his Lor^p terms an Outragious Riot, & thinks he has Reason to insist on the Punishment of the Offenders.

By collating your letter with his Lo^ps, I perceive the Riot consists in the Execution of the Warrants by you issued; but since 'tis hoped your Proceedings are easily to be justified from the Informations given you, I desire you will, without Loss of Time, take as many Affidavits as you can to prove the Breach of the Peace for which they were bound over, with all the Circumstances that can aggravate the matter, throwing in likewise an Account of the Behaviour of the Whole Family if it is of that Stamp as may truly render them odious. You must Likewise have an exact Description given on Oath or Affirmation by some old Settlers in your Neighbourhood of the Place where Lowe Lives, & how far the same is deemed to be within the reputed Bounds of Pennsylvania, by reckoning how much it falls to the Northward or Southward of Chambers' Line, or by some other certain Description, such as Octoraroe, which may show that Maryland can have no Pretence of Claim there. If likewise some Persons can be found Living as Southerly or more so than Lowe, who have constantly acknowledged & believed themselves to be in Pensilvania, their Affidavits to that Purpose will be of Service; a Particular Account on Oath must Likewise be given of the manner of executing the Warrant & the Proceedings thereon; & on this Point I wish it may not appear that but too great a Number of

* See it on page 350.

our People were got together on the Occasion, which may look as If an Insult had been designed. It may be also not inconvenient to take what Affidavits you can of Cresap's Behaviour & Insolence, not omitting any Circumstances that may show the Fellow a Rogue & unworthy of the Patronage which Maryland affords him.

I must recommend to you to be as expeditious as possible in conveying the Evidences & dispatching their Affidavits, each of which must be taken on a Separate Paper & signed by the Justices as in the Form herewith sent. The Bearer is directed to wait till the Examinations are finished, which you will transmitt, accompanied with a letter from yourself & Mr. Wright jointly, on the Subject, conceived in such a Manner as may be proper to be Shewn.

If the Informations on Oath upon which your Warrant was grounded being not distinct & clear, you must get them renew'd & dated either the Day before or the day when the Warrant was granted. I need not further press you to have the Place of Lowe's Settlem^t clearly proved to be within the Bounds of Pensilvania, Since you are sensible that on that Proof only the Whole Complaint will fall to the Ground. By the inclosed Copy of the Warrant issued in Maryland, You will see who the Persons are against Whom Lowe has informed, & these you may admonish as of yourself, (tho' in a cautious & prudent Way Lest it should intimidate them,) to be on their Guard in case any Attempts should be made by the Officers of Maryland to Execute that Warrant.

What Money you shall necessarily expend on these Examinations shall be reimburst, & your care in this Whole Matter acknowledged by, Sir,

Your Loving Friend.*

DEPOSITION OF WM. MAC MANNECK, 1732.

William Mac Manneck, of the County of Lancaster, in the Province of Pennsylvania, Labourer, on his Solemn Affirmation According to Law, Saith, That on the 22d of this Instant he went, by order of James Patterson, to the Plantation of John Low, Accompanied by James Patterson, Jun^r, To look after Some horses Belonging to s^d Patterson, which run in that Neighbourhood, And Near the field of the s^d John Low, he Saw one of the horses Lye Dead; And this Deponent telling John Low it was a Shame to see a horse Killed in Such a manner, and that he believed Some of Low's People had Done it, The s^d Low Threatened to beat him, & forbade him on his Perril to Come no more there. And Daniel, the Son of John Low, Said, if this Deponent, or any other Person belonging to James Patterson, Came there Again they would Tye them & Whip them. And Going after to the House of Jacob Hedington, the s^d Daniel & William

* See Col. Rec. Vol. III. p. 502.

Low followed them, And Daniel Low Abused, threatened & Challenged this Deponent to fight; And William Lowe threatened James Patterson, Jun^r, that he would beat him; But this Deponent & James Patterson, fearing they should be Abused went away, & Daniel Low & William Low followed them, And Daniel Low Assaulted this Deponent & threw him Down Several times & bruised him, till Getting Loose they made their Escape.

his
WILLIAM ✕ McMANNECK.
mark.

Taken at Hempfield, in the County of Lancaster, this 24th Day of November, 1732, before me, Samuel Blunston, one of his Majesty's Justices of the peace for the s^d County.

SA. BLUNSTON.*

DEPOSITION OF JOHN BRABAKER, 1732.

John Brabaker, of the County of Lancaster, in the Province of Pensilvania, Yeoman, On his Solemn Affirmation According to Law, Saith, that haveing Ocasion to Go Over Susquehanah river to the house of Thomas Cressop, on the twenty-first of Novemb^r Last, & at the House of James Hendrix He met Daniel Calvert and Josiah Arnold, of Chester County, who were come over from the west side of the said River, in there return home, & this Affirmant saith that the s^d Arnold told him, there were Several Horses & mares Killed by the People on the West Side of the s^d River, And that haveing Stayed Some days at the House of John Low, waiting to Get over the river; In that time as they were Hunting near the Plantation of of the s^d Low, they Saw a Mare Lye dead, which had been Shot, & there being Snow on the Ground, they saw a Man's track Goeing & returning from the s^d Mare, & as they came to the Brow of a Hill above a field, they saw two Lads, Sons of the said John Low, One of which, named Daniel, had a Gun in his hands presented towards a Black Mare which stood Before him, and the Other, named William, Stopt him, & ask'd for the Gun, Saying, he would Shoot her, at which Instant the s^d Dan^l Calvert called to the Boy, & bid him not shoot them if he shot the mare, when the boys Seing themselves Discovered, Endeavoured to Conceal the Gun behind a tree, & at first Denied their Intent to kill the mare, but after further Discourse, they Confest their design was to kill the s^d Mare, & said they would Shoot & Kill all the horses that came there; And further, the s^d Arnold said they were Apprehensive some Harm might be done to themselves from the Wicked Behaviour of the People About Thomas

* See Col. Records Vol. III. p. 506.

Cressop, which made them venture Over the river Before it was Safe
travailing on the Ice, and further this Affirm^t Saith not.

SAM^L. BRABAKER.

Which Affirmation aforesaid was taken at Hempfield, in the County
of Lancaster Aforesaid, this 28th day of December, 1732, Before us,
John Wright & Samuel Blunston, Esq^{rs}, two of His Majestie's Jus-
tices of the Peace for the said County.

JN^o. WRIGHT,
SA. BLUNSTON.

* See Col. Rec. Vol. III. p. 506.

DEPOSITION OF JOSHUA LOW, 1732.

JOSHUA LOW, of the County of Lancaster, in the Province of
Pensilvania, Yoeman, being One of the People called Quakers, on
His Solemn Affirmation, According to Law, Saith, that on the 19th
of this Instant, He went to the House of Thomas Cresop in a friendly
Manner, to Enquire why the s^d Cresop had taken James Paterson,
Jnr., prisoner, who was then Detained at the s^d Cresops House, & on
this depon^{ts} asking the reason thereof, the s^d Cresop told him he had
been at Anapolis with Lord Baltimore, & in Council (on the Satur-
day before) Lord Baltimore Assured him, that as he the s^d Lord Bal-
timore had rec^d Money for that Land on which the s^d Cresop Lived,
he would defend him from the Proprietor of Pensilvania, Altho' he
the Affs^d Lord Baltimore did Believe, that when the Division line
Between the Provinces came to be run, the said Cressops Land
would fall into Pennsylvania, but until that Line was run he would
protect him, & thereupon gave him the s^d Cressop a Comission of the
Peace as a Magistrate for the County of Baltimore, & with it Gave
him a Strict charge, to Aprehend Anny person coming out of Pensil-
vania, Bearing Arms or Comitting the Least Offence whatsoever, &
Be sure to take no Security of them, but such as were freeholders
In Maryland.

JOS^A. LOWE.

Which Affirmation Aforesaid was taken at Hempfield, in the County
of Lancaster Afs^d, this 28th day of December, 1732, Before us,
John Wright & Samuel Blunston, Esq^{rs}, two of his Majestys Jus-
tices of ye Peace for the said County.

JNO. WRIGHT,
SA : BLUNSTON.

Indorsed—"Aff. Joshua Low, No. 13."

* See Colonial Records, vol. iii. p. 506.

DEPOSITION OF FRANCIS WARD, 1732.

FRANCIS WARD, of the County of Lancaster, in the Province of Pensilvania, Labourer, On his Solemn Affirmation, According to Law, Saith, that on the 13th of August Last, Thomas Cressop & Thomas Gwin Came to the House of John Hendricks, In the County & Province Aforesaid, with a warrant from Maryland (as they said) to Apprehend One William Humphrey, then at the House of the said John Hendricks & in His Employ, & that John Hendricks told them they should not take the s^d William Out of His House, for it was Illegal to Serve a Warrant on that Day, But Cressop replyd, He would take him, Except John Hendricks was Stronger than they, for He had Authority & would tye the said William & Sling him to his horse if he refused to go, And threatned Highly Any who should resist; And this Deponent further Says, the said William Humphrey Desired Cressop to take him to some Magistrate in Pennsylvania, But Cressop refus'd, & said he would Carry him into Baltimore County, in Maryland, And Accordingly forced him away.

his
FFRANCIS ✕ WARD.
mark

Which Affirmation Afores^d was taken at Hempfield, In the County of Lancaster Afores^d, this 28th Day of December, 1732, Before us, John Wright & Samuel Blunston, Esq^{rs}., two of His Majestys Justices of the Peace for the s^d County.

JNO. WRIGHT,
SA: BLUNSTON.

Indorsed—"Aff^t Ffrancis Ward, No. 11."

DEPOSITION OF CHARLES JONES, 1732.

CHARLES JONES, of the County of Lancaster, In the Province of Pensilvania, Yoeman, being Solemnly Sworn on the Holy Evangelists, maketh Oath, that being Constable of the Township of Hempfield, in the said County, He received A Warrant under the hands & Seals of John Wright & Samuel Blunston, Esq^{rs}., two of his Majestys Justices of the Peace for the s^d County, to him directed, for Apprehending Daniel Low & William Low, two of the Sons of John Low, said to be living on the West Side of Susquehanah River, within this County; & this Deponent having been formerly comanded by other of the Magistrates of the s^d County To take Thomas Cressop, when he should come Over the said River, Upon the Execution had met with very Great resistance, And Since had been Credibly

* See Colonial Records, vol. iii. p. 506.

Informed by Several Persons that Thomas Cressop & his Neighbours threatned the Death of any Officer, who should come by the Authority of this Province to Apprehend Anny of them ; therefore, as this Deponent believed it to be his Duty to Execute the s^d precept, he thought it necessary to take propper Assistance, both for the Security of his person & the Execution of his Office ; And that in pursuance thereof, in the morning of the 27th day of November Last, He with no Other weapon but a Constable's Staff, Assisted by James Paterson, Alexander M'key, John Capper, John Hart, John Patten, James Patten, James Paterson, Jun^r., Wm. Macmanac Mathew Bailly, & no Other person, they went peaceably & quietly to the house of the s^d John Low, & the door of the s^d house being Open, he Apprehended the s^d Daniel & William Low, & brought them over the river in his way to the s^d Majestrates, & this deponent further says that to his Knowledge no force or Violence was used towards any person more than a Strength necessary to Opose their ressistance & Bring them Along, Except the preventing John Lows wife from Goeing out of the house to raise the neighbourhood to rescue them, which shee attempted, & they Endeavoured to prevent without anny Abuse Offered her ; this Deponent further says that when they were come about a quarter of a mile from the shore, they were pursued by Thomas Cressop, Wm. Cannon & Edward Evans, who followed them to rescue the prisoners, & that Wm. Cannon Struck John Hart and wounded him very much, & that this Deponent was Obligated to turn back & Interpose to prevent further mischief upon which they Desisted, & further Saith not.

CHARLES JONES.

Which Oath aforesaid was taken at Hempfield, in the County of Lancaster Afs^d, this 29th day of December, 1732, before me, Tobias Hendricks one of his Majestys Justices of the Peace for the said County.

TOBIAS HENDRICKS.*

Indorsed—"Affidavit Charles Jones, No. 5."

DEPOSITION OF JOHN PATTEN, 1732.

JOHN PATTEN, of the County of Lancaster & Province of Pennsylvania, Carpenter, Being Solemnly Sworn On the Holy Evangelists, Maketh Oath, that on the Evening of the 26th Day of November Last, he was Comanded by Charles Jones, Constable of Hempfield, in the said County, as an Assistant in the Execution of a warrant Against Daniel & William Low, & having Often heard that Thomas Cressop & his Associates had threatned to shoot any Officer or person

* See Colonial Records, vol iii. p. 506.

who should come by Authority from Pensilva to Aprehend them, he thought it nessessary to take a Gun in his hand, which he & two Others of the Company likewise did, (there being but three Guns taken with them, & none of them Loaded nor Caried with Other Intent then to prevent the mischief threatned, & which the said Cressop & his Associates might have been the bolder to Execute, if this deponent had been without defence; And this deponent further says, that on the morning of the 27th day, the Aforesaid Constable & his Assistants went peaceably & quietly to the House of John Low, & there Apprehended the s^d Daniel & William Low, & no Disturbance was made but what was Ocasioned by the ressistance of the Prisoners, & those who came to their relief, & that no Violence was used towards the wife of John Low, more than to prevent her from Going to call Assistance, which she attempted to do, & further saith not.

JOHN PATTEN.*

Which Oath Aforesaid was taken at Hempfield, in the County of Lancaster Aforesaid, this 29th day of December, before me, Tobias Hendricks, Esq^r. One of his Majesty's Justices of the peace for the said County.

TOBIAS HENDRICKS.

Indorsed—"Aff. John Patten, No. 6."

DEPOSITION OF ALEX'R M'KEE, 1732.

Alexander M'Kee and John Capper, of the County of Lancaster, in the Province of Pensilvania, Being Solemnly Sworn on the Holy Evangelists, make Oath, that on the Evening of the 26th day of November Last, they were Comanded by Charles Jones, Constable of Hempfield, in the said County, as Assistants in the Execution of a Warr^t against Daniel & William Low, but having Often heard that Thonias Cressop & his Associates had threatned to shoot any Officer or Person who should come by Authority from Pensilvania, to Aprehend any of them. There were three Guns & no more taken in the Company, & none of them Loaded or taken with other Intent than to prevent the mischief threatned, & which the said Cressop & his Associates might have been the Bolder to Execute if these Deponents had been without defence. And these Deponents further say, that on the Morning of the 27th day, the afores^d Constable & his Assistants went peaceably & quietly to the House of John Low, & there Apprehended the s^d Daniel & W^m Low, & that no Disturbance was made but what was Ocasioned by the resistance of the Prisoners & those who came to their relief, & that no Violence was used towards

* See Colonial Records, vol. iii. p. 506.

the wife of John Low, more than to prevent her from Going to call Assistance which she attempted to Do, And further say not.

ALEX. M'KEE,
JOHN CAPPER,

Taken at Hempfield, in the County of Lancaster aforesaid, this 29th day of December, 1732, Before me, Tobias Hendricks, Esq^r, one of his Majesty's Justices of the Peace for the said County.

TOBIAS HENDRICKS.

Indorsed—Aff. Alex. M'Key, John Capper.

DEPOSITION—JOHN CAPPER—1732.

John Capper, of the County of Lancaster, in the Province of Pennsylvania, Blacksmith, Being Solemnly sworn on the Holy Evangelists maketh Oath, that some time Last Spring he heard Thomas Cressop say, that if the Sherrif of Pensilvania or any Other Officer from thence should come to take any person on the west side of Susquehanah River, He would send him Back a Dead Corps, for he had six or seven Guns in his house which should be loaded, & he would Discharge at them, And the s^d Cressop further said, that if he had Known When the Officer went to Apprehend Peter Harp & Margret Shitts, for the Murder of a Child, (for which fact they were since Condemnd,) He would have Defended them, for the Inhabitants of Pensilvania had no Buissines nor Authority on the west side of Susquehannah River, & further this Deponent saith not.

JOHN CAPPER

Which Oath aforesaid was taken at Hempfield, in the County Lancaster aforesaid, this 29th Day of December, Before me, Tobias Hendricks, Esq^r, one of His Majesty's Justices of the Peace for the said County.

TOBIAS HENDRICKS.

Indorsed—Aff. John Capper.

DEPOSITION OF JOHN PATTEN, 1732.

John Patten, of the County of Lancaster, in the Province of Pennsylvania, Carpenter, Being Solemnly sworn on the Holy Evangelists, maketh Oath, that in May Last, on the 11th Day, he heard Thomas Cressop say, that if anny Sherrif or Constable of this Province should Go Over the River to Execute their Offices, He would shoot them.

JOHN PATTEN.

* See Vol. III. p. 505. Col. Rec.

† See Col. Rec. Vol. III. p. 506.

Which Oath aforesaid was taken at Hempfield, in the County of Lancaster afores^d, this 29th Day of December, 1732, Before me, Tobias Hendricks, Esq^r, one of his Majesty's Justices of the Peace for the said County.

TOBIAS HENDRICKS.*

Indorsed—Aff. John Patten.

DEPOSITION OF JOSHUA MINSHALL, 1732.

Joshua Minshal, of the County of Lancaster, in the Province of Pensilvania, Yeoman, Being one of the People called Quakers, on His solemn Affirmation, According to Law, saith, that about the Month of April, 1731, Thomas Cressop told this Deponent, that if any Officer or Person by Authority from Pensilvania Came to Apprehend him or his Neighbours, he would shoot them dead, for they had pistols & Guns & would use them in their own Defence, & further this Deponent saith not.

JOSHUA MINSHALL.

Which Affirmation aforesaid was taken at Hempfield, in the County of Lancaster afores^d, this 29th Day of December, 1732, Before us, John Wright & Samuel Blunston, Esq^{rs}, two of His Majesty's Justices of the Peace for said County.

JNO. WRIGHT,
SA. BLUNSTON.

Indorsed—Aff^t Josh^a Minshal.

DEPOSITION OF REBECCA HENDRICKS, 1732.

Rebeckah, the Wife of John Hendricks, of the County of Lancaster, in the Province of Pennsylvania, Being one of the People called Quakers, On her solemn Affirmation, According to Law, saith, That on ye 13th of August Last, on the first day of the week, Comonly called Sunday, Thomas Cressop & Thomas Gwin Came to the house of her Husband, pretending they had a warrant from Maryland to Apprehend one William Humphrey, then at the house of her Husband & in his Employ, which s^d warrant tho' often required they refused to show, Cressop saying he had Left the warrant at home, but had power Ennough with him Except they were stronger than he, And if he had not strength Ennough with him he would fetch more, & tye the s^d William & take him by force, & said let them hinder

* See Col. Rec. Vol. III. p. 506.

him as Durst, And after much more threatning they took away the said William Humphrey, And further saith not.

her
REBECKAH X HENDRICKS.
mark.

Which Affirmation aforesaid wastaken at Hempfield, in the County of Lancaster afores^d, this 29th Day of December, 1732, Before us, John Wright & Samuel Blunston, Esq^{rs}, two of his Majesty's Justices of the Peace for the said County.

JNO. WRIGHT,
SA. BLUNSTON.

Indorsed—Aff^d Rebecka Hendricks.

DEPOSITION OF TOBIAS HENDRICKS, 1732.*

Tobias Hendricks, Esq^r, of the County of Lancaster and Province of Pennsylvania, on his solemn Affirmation, According to Law, saith, That Before the Year 1729 he had been in the Comission of the Peace for the County of Chester for several Years, & During that time Edward Parnel, Paul Williams, & some others, Lived on the Lands now possessed by Thomas Cressop, John Low, & their Associates, And that during the Continuance of the s^d Parnel, Williams and Others there, they paid Taxes to this Province, Applied there for Justice, & in all Cases acknowledged themselves Inhabitants of Pennsylvania, Until they were Removed from thence by Order of the Govern^r of Pennsylvania, at the Request of the Conestogoe Indians. And this Deponent further saith, that he has Often seen the Marked trees near the West End of the West Line run from Philadelphia to Susquehannah, by Benjamin Chambers, & this Deponent says that he Believes the Lands now in possession of John Low & Thomas Cressop, lye at least six Miles to the Northward of that Line; And further saith that the most Northerly Settlement Made in these parts by pretence of Maryland Right, Before that of Cressop & Low, is near twenty Miles to the Southward of the said West Line.

TOBIAS HENDRICKS.

Which Affirmation aforesaid was taken at Hempfield, in the County of Lancaster aforesaid, this 29th Day of December, 1732, Before us, John Wright & Samuel Blunston, Esq^{rs}, two of his Majesty's Justices of the Peace for the said County.

JNO. WRIGHT,
SA. BLUNSTON.

Indorsed—Aff^d Tobias Hendricks, Esq^r.

* See Col. Rec. Vol. III. p. 506.

DEPOSITION OF JOSHUA LOWE, 1732.

Joshua Lowe, of the County of Lancaster, in the Province of Pennsylvania, Yeoman, Being one of the People called Quakers, on his solemn Affirmation, According to Law, saith, that having been Employed for several Years in raising and Levying the public Taxes of the County, & makeing the Duplicates for the same. It plainly appears by the said Duplicates, that there are Upwards of four Hundred Inhabitants within the said County, who have paid Taxes in the s^d County, & always acknowledged themselves Inhabitants of Pennsylvania, who Live to the Southward of John Low & Thomas Cresop.

JOSA. LOWE.

Which Affirmation aforesaid was taken at Hempfield, in the County of Lancaster afores^d, this 29th Day of December, 1732, Before us, John Wright & Sam^l Blunston, Esq^{rs}, two of his Majesty's Justices of the Peace for the said County.

JNO. WRIGHT,
SA. BLUNSTON.

Indorsed—Aff^t Josh^a Low.

MESSRS. WRIGHT AND BLUNSTON TO THE GOVR. 1732.

May it Please the Governour:

Being Informed by the Governour's letter to us, That ye Execution of a Warrant, directed to Charles Jones, Constable of Hempfield, for Apprehending two Sons of John Low, of this County, Pretending themselves Inhabitants of Maryland, Hath been Represented to L^d Baltimore as a Violent & Riotous Assault, Comited against his Lordship's Peace, Good Rule & Governm^t;

We have, therefore, made Strict Inquiry into the maner of the Execution thereof, which, together with the Cause of Issueing the s^d Warrant, And all other things relating thereunto, are herewith faithfully transmitted.

In the year 1729, when the Governour was pleased to Issue an order to divide this part of the Province from Chester County, and for Erecting the Same into a Distinct County, and Appointed Majestates & Officers for the Conservation of the Peace, the more Easy Administration of Justice, and better Securing the Sober & Quiet Inhabitants in these remote parts of the province from the thefts & Abuses Comited by Idle & Dissolute persons, who resorted hither to Keep out of the hands of Justice. The Southern Boundaries of the s^d County were, by the s^d Order, to be Octoraro Creek and the Province of Maryland, and Including the Inhabitants to lye open to the westward.

But as the line between the two provinces was not run, nor the Exact boundarys Known, No Authority was Claimed Over those few families Settled to the Northward of Octoraro, By or Under pretence of Maryland rights, but they remained (by us) Undisturbed, tho' many Inhabitants of Pensylvania lived some miles to the Southward of them.

Att that time there were no English Inhabitants on the west Side of Sasquehanah river, in these parts, for about two years before Edward Parnel & Several other familys who were Settled on the west Side of the said river, near the Same, Att a place Called (by the Indians) Conejohela, (Who for Several years had paid Uninterrupted Acknowledgm^t to this province,) were, at the request of the Conestogoe Indians, removed by the Governour's order from the s^d Place, The Indians Insisting on the Same to lye Vacant for their Convenience, As their right by treatys with this Government formerly made. But about two years Since Thomas Cressop, and some other people of Loose Morals and Turbulant Spirits, Came & Disturbed the Indians our friends and Allies, who were peaceably Settled on those Lands from whence the s^d Parnel & others had been remov'd, Burnt their Cabbins & Destroyed their Goods, And with much threatening & Ill Usage drove them away; And by pretending to be under Maryland Governm^t, (as they were got far from their Laws Sought to Evade ours.) But as that Land had been formerly Settled by the Good people of this Province, And none, till Cressop & his Company had Settled by a Maryland Claim so far to the Northward by near thirty Miles, We Concluded them to be men of Desperate fortunes, who would rather Defend their Actions by force, than trust them to the Law; And that Opinion hath since been Coroborated by others following their Example, and Settling on that Side the river; who, when Charged with Offences or Debt, would Screen themselves Under the Same pretence; Yet those men would fly to our Laws for redress Against their own party, And they who had fled from their Creditors and the Laws of Maryland into this province, When Such Creditors pursued them hither, have refused Obedience to our Officers, & Cryed Maryland.

Thus they proceeded to play booty, Disturbing the peace of the Government, Carrying people out of the province by Violence, Taking away the Guns from our friends the Indians, Tying & making them Prisoners, without any offence given; And threatening all who should Oppose them; And by Underhand & Unfair practices, Endeavouring to Alienate the minds of the Inhabitants of this province & Draw them (from Obedience) to their party. Their Insolence Increasing, they Killed the horses of Such of our people, whose trade with the Indians made it Necessary to Keep them on that Side of the river, for Carrying their Goods & Skins; Assaulted those who were sent to Look after them, and threatened them Highly if they should Come there again.

This Usage Obliged James Patterson to Apply to us for a War-

rant to Apprehend & bind to the peace two young men, who had been the most Active. We well Knowing, that According to the Agrcement lately made between our Proprietors & L^d Baltimore, And by the Explanatory Map thereon Struck, Those Settlements were Above twenty miles to the Northward of the place of the Intended line, Therefore believed it our Duty as Conservators of the Peace to Use legal Authority for the Security of his Majesty's Subjects, And Curbing the Insolence of Lawless and Unruly Offenders, And Accordingly Issued a Warrant, to Apprehend Daniel & William Low; The manner of Executing thereof will best Appear by the Affidavits herewith Sent. When they were Brought before us they were Used with all the lenity the Case would bear, And Dismissed on the Security of their own friends for their future Good Behaviour and Appearance at our next Court of Gen. Quarter Sessions.

Could we have Supposed Such a procedure would have Given the least Offence to L^d Baltimore, Or that he would have Look^d upon those persons as his Subjects & under his Protection, who in his own Opinion (According to the testimony of Thomas Cressop) live beyond the bounds of his Dominion, We Should not have Acted herein, but have represented the Case to the Governour, & waited the Direction of his wiser Judgment, To whose Just Censure we submit.

And Conclude, with all Due Regard,
the Governour's most Assurd ffr^{ds},

JN^o. WRIGHT,
SA. BLUNSTON.*

Hempfield, Oc^{ber} 30th, 1732.

ABSTRACTS OF DEPOSITIONS RESPECTING MD. 1732.

1732. Dec^r 15th. L^d Baltimore writes to Gov^r Gordon. complaining of a Riot, committed by sev^l Pennsylvanians on the Plantation of John Lowe, on the West Side of Sasquehannah, & encloses a Copy of the Precept for apprehending them, viz^t, Charles Jones, James Patison, Alex^r McKey, John Capper, Jn^o Hart, &c., in all 10 in number.

Dec^r 25th. Gov^r Gordon writes to Mess^{rs} Wright & Blunston for a p^ticular Account how the Affair happened.

30th. They answer, that upon a Complaint of one James Patterson, an Indian Trader, of his Horses being killed by some of John Lowe's Family, & of his being abused by them for representing the Injustice of it, a Warr^t was issued for apprehending Daniel & William Lowe, two of John Lowe's Sons, who were the most active in this Affair.

* See Col. Rec. Vol. III. pp. 504, 511, also Governor's answer, Feb'y. 27, 1732-3, in this volume, p. 386.

EXTRACT OF AFFIDAVITS RELATING THERETO.

Jas. Hendricks deposes, That *Josiah Arnold* & *Danⁱ Calvert*, had been several Days at *John Lowe's* House, waiting for a Passage over the River, (being hindered by the Ice,) & that during their Stay they saw a Mare that used to come up to *John Lowe's* House lye dead, & perceived that it had been shot; the
 [1732. Nov^r 23^d.] *s^d Arnold* likewise said that as He and *Calvert* were going by *Jn^o Lowe's* Field, they saw *Daniel Lowe* with a Gun presented at a black Mare, & *William Lowe*, who stood near him, called for the Gun & said he would shoot her, but *Daniel Calvert* prevented it by calling to them; when they found themselves discover'd they endeavoured to conceal the Gun & deny their Intention of shooting the Mare, but being further talk'd to about it they confess'd, & said they would kill all the Horses that came there.

John Brubaker & *Jno. Capper*, depose to the same Effect.

Wm. McManeck. That on ye 22th Nov^r, 1732, He was sent by *James Patterson* to ye Plantacon of *Jn^o Lowe*, accompanied by *Ja^r Patterson, jun^r*, to look after some Horses that ran in that Neighbourhood, & near *Jn^o Lowe's* Field He saw one of them lye dead, & expostulating with him thereupon, *Lowe* threaten'd to beat him, & his Son *Daniel* said, if any
 [1732. Nov^r 24th.] Persons belonging to *Patterson* came there again they should be tied & whipt: on going away they were followed by *Daniel* & *Wm. Lowe*, who assaulted *McManeck*, & threw him down sevⁿ times, whereby He was very much bruised.

Upon which depositions a Warr^t was issued to *Charles Jones*, Constable of *Hempfield*, for the apprehend^s of *Daniel* & *William Lowe*, Sons of *Jn^o Lowe*; the manner of executing which appears by the following Extracts of Depositions.

Charles Jones. He being informed that *Cressap* & his Neighbours threatened the Death of any Officer that should come over *Sasquehannah* by any Authority from *Pennsylv^a*, thought it necessary to take a sufficient Number with him. Accordingly on ye 27th Nov^r, He, with no other weapon than a Constable's Staff, assisted by *James Paterson*, *Alex^r McKey*, *Jn^o Capper*, &c., 9 in all, went peaceably to the House of *Jn^o Lowe* & apprehended *Danⁱ* & *William*, & brought them over the River. Says that no Force or
 [1732. Dec^r 29th] Violence was us'd to any Person more than a Strength necessary to oppose their Resistance, except the preventing *Jn^o Lowe's* Wife from going out of the House to raise the Neighbourhood to rescue them, which She attempted, & they endeavoured to prevent, without any Abuse offer'd her; That when they were come about $\frac{1}{4}$ Mile from Shore, they were followed by *Cressap* & two others, in order to rescue the Prisoners, & one of

Cressap's Comp^{rs} struck one of his Assistants over the Head & wounded him very much.

Alexr. McKey, John Capper & John Patten, All depose to the same Effect; Also, that only 3 Gunns were taken by the whole Company, & none of them loaded, nor taken with any other Intent than to prevent the Mischief threatened, which s^d Cressap & his Associates, they thought, might have been the bolder to execute had they appear'd entirely defenceless.

AUTHENTICATION OF DEPOSITIONS, &c., 1733.

Pennsylvania.

Patrick Gordon, Esq^r., Lieut Governor of the Province of Pennsylvania & Counties of Newcastle, Kent & Sussex on Delaware.

To all to whom these presents shall come, Sends Greeting :

Know ye that the hereunto annexed are true and exact Copies of sundry Original Letters, Papers, &c., that have passd between the Persons following & me, viz^t.,

No. 1. A Letter from the Right Hon^{ble} the Lord Baltimore, Proprietor of the Province of Maryland, to me, bearing date the 15th day of December last, No. 1

2. A Precept, unsigned, & referred to in the foregoing Letter, bearing date the 14th day of said December. No 2.

3. A Letter from me to his Lordship, bearing date the 23d day of said December. No. 3.

4. A Letter from me to his Lordship, bearing date ye 15th day of January last. No. 4.

5. A Letter from John Wright & Samuel Blunston, Esq^{rs}., two of His Majestys Justices of ye Peace for ye County of Lancaster, in Pennsylvania, to me, bearing date the 9th day of said January, & referrd to in my Letter to the Lord Baltimore. No. 5.

6. A Letter to the Justices of His Majesty's Peace for the County of Kent on Delaware, from me, bearing date the 9th day of said January, & referred to in my s^d Letter to the Lord Baltimore. No. 6.

7. A Letter from four of the s^d Justices to me, bearing date ye 16th day of Said January. No. 7.

8. An Abstract in the said Letter referrd to. No. 8.

9. A Letter from his Said Lordship to me, bearing date the 24th day of January aforesaid. No. 9.

10. A Letter from Sam^l Ogle, Esq^r., Lieut Governor of Maryland, to me, bearing date ye 1st day of February last. No. 10.

11. A Letter to His Lordship from me, bearing date the 17th day of said February last. No. 11.

12. A Letter to the Said Lieut Governor of Maryland from me, of the date last mentioned, No. 12.

13. A Letter from his said Lordship to me, bearing date the 15th day of said February. No. 13.

14. A Letter to his Lordship from me, bearing date the 23d of Said February. No. 14.

15. A Letter to His Majestys Justices of the Peace for the County of Kent on Delaware, from me, bearing date the 26th day of Said February. No. 15.

16. A Letter from Six of the Said Justices to me, bearing date ye 13 day of March last. No. 16.

17. A Letter from five of the Said Justices to Major Henry Ennalls & his Associates, his Lordship's Justices of the Peace for the County of Dorchester, in ye Province of Maryland, bearing date the 5 Day of S^t March, & referrd to in the preceeding Letter. No. 17.

18. A Letter from the said Ennalls to the Justices of Kent County on Delaware, bearing date the 6th day of March aforesaid & referrd to in the said last mentioned Letter of the Justices of Kent to me. No. 18.

19. A Letter to ye Said Lord Baltimore from me, bearing date the 28 day of March aforesaid. No. 19.

20. & A Letter from his Lordship to me, bearing date the 3d day of April last. No. 20.

In Testimony whereof, I have caused the Great Seal of the said Province of Pennsylvania to be hereunto affixed. Given under my hand, at Philadelphia, the twenty-third day of July, in the Seventh year of the Reign of Our Sovereign Lord, George the Second, over Great Britain, France & Ireland, King, &c., Annoq, 1733.

Indorsed—"Certificate to the Copies of Letters, &c."*

AUTHENTICATION OF DOCUMENTS, 1733.

Pennsylvania.

Patrick Gordon, Esqr., Lieut Governor of the Province of Pennsylvania & Countys of Newcastle, Kent & Sussex on Delaware.

To all to whom these presents shall come, Sends Greeting :

Know ye that Samuel Hasell, Esquire, by whom the annexed Affidavit of John Georges & Rob^t Charles is certified to have been taken, is at this time Mayor of the City of Philadelphia, to whom all due faith & Credit is & ought to be given.

And that hereunto are likewise annexed true and exact Copies of Fifteen Original Affidavits transmitted to me, & now remaining in my hands, viz^t,

N. 1. Affirmation of James Hendricks, (No. 1,) taken before

* For several of the foregoing papers, see Vol. iii. Colonial Records, page 502—534.

Samuel Blunston, Esq^r., one of His Majestys Justices of The Peace for the County of Lancaster, in the Province aforesaid, the 23d day of November last.

2. Affirmation of W^m. Macmannac, (No. 2,) taken before the said Samuel Blunston, the 24th day of November afores^d.

3. Deposition of John Capper, (No. 3,) taken before the said Sam^l Blunston, the twenty-seventh day of November afores^d.

4. Affirmation of John Brubaker, (No. 4,) taken before John Wright, Esq^r., another of His Majestys Justices for the County aforesaid & the said Samuel Blunston, the 28th day of December last.

5. Deposition of Charles Jones, (No. 5,) taken before Tobias Hendricks, Esquire, another of His Majestys Justices for the County aforesaid, the 29 day of s^d December.

6. Deposition of John Patten, (No. 6,) taken before the said Tobias Hendricks, the said 29th of December.

7. Deposition of Alexander M'key & John Capper, (No. 7,) taken before the Said Tobias Hendricks, the said 29th day of December.

8. Deposition of John Capper, No. 8,) taken before the Said Tobias Hendricks, the said 29th of December.

9. Deposition of John Patten, (No. 9,) taken before the said Tobias Hendricks, the day last mentioned.

10. Affirmation of Joshua Minshall, (No. 10,) taken before the said John Wright & Samuel Blunston, the Said 29th day of December.

11. Affirmation of Francis Ward, (No. 11,) taken before the said Wright & Blunston, the 28th day December aforesaid.

12. Affirmation of Rebeckah, the Wife of John Hendricks, (No. 12,) taken before the said Wright & Blunston, the 29th day of December aforesaid.

13. Affirmation of Joshua Lowe, (No. 13,) taken before the said Wright & Blunston, the 28 day of December aforesaid.

14. Affirmation of Tobias Hendricks, Esq^r., (No. 14,) taken before the Said Wright & Blunston, the 29th day of December aforesaid.

15. Affirmation of Joshua Lowe, (No. 15,) taken before the said Wright & Blunston, the day last mentioned.

And I do further Certify, that to them, the Said John Wright, Tobias Hendricks, & Samuel Blunston, Esquires, Justices aforesaid, a l due Faith & Credit is and ought to be given. In Testimony whereof, I have caused the Great Seal of the said Province to be hereunto affixed. Given under my hand, at Philadelphia, the twenty-third day of July, in the seventh Year of the Reign of our Sovereign Lord George the Second, over Great Britain, France, & Ireland, King, &c., Annoq Dom., 1733.

John Georges, Secretary to the Proprietors of the Province of Pennsylvania, &c., and Robert Charles, Secretary to the Lieut Gover-

nor of the said Province, being Solemnly Sworn on the Holy Evangelists, make Oath, that they have well and carefully compared the hereunto annexed Copies of Fifteen Affidavits taken before certain Justices of His Majesty's Peace for the County of Lancaster, in the Province aforesaid, & do find the same to agree.

JOHN GEORGES,
ROBT. CHARLES.

Samuel Hasell, Esq^r., Mayor of the City of Philadelphia,
To all to whom these presents shall come, sends, Greeting :

Know ye, that the above Affidavit of John Georges & Robert Charles, touching the annexed Copies of Fifteen affidavits, was this day taken before me. In Testimony whereof, I have hereunto Sett my hand & caused the Seal of the said City to be likewise affixed, this twenty-third day of July, Anno Dom, 1733.*

Ex^d.

Indorsed—"Certificates touching the Affidats taken at Lancaster."

BENJ'N SHURMER TO ROBERT CHARLES, 1732-3.

An Affair has lately Happen'd within the Borders of this County, Adjoining to Dorset County in Maryland, which I think fitt to acquaint you with according to the best Intelligence I have at p'sent of the Matter, Because its consequences may probably hereafter concern Our Hon^{ble} Prop^r, Govern^r, and Governm^t.

The Case is this, if I am rightly Informed, (as I think I am,) One John Newton some few years past purchased a Tract of Land on our Borders with a small Improvem^t thereon, of a p'son who pretended he had his Right Granted him from Lord Baltimore, which Newton not Doubting the truth of, did thereupon Consider himself as a Dorset County Man and paid his public Dues accordingly for one Year or more, Afterwards on better Information and search he found, (as he says,) that there never had been any such Grant either to the seller or any other person, Whereupon he being more Inclined to Live under this Governm^t than that of Maryland, Did enter the same Land in our County Surveyor's Books, agreeable to the late Instructions of the Commiss^a of property, and have since Duly paid his acknowledgm^{ts} here for a considerable time past, which has been well known to the Officers for the publick Levies in the afs^d Dorset county. Nevertheless they still continue to charge him on that side as before, Threatning Daily to Execute him. In this Delemma he

* See Colonial Records, vol. iii. p. 506.

apply'd himself to our Magistrates at 9ber Court last past, who considered his case so far in his favour as to Constitute a Constable Extraordinary in his Neighbourhood, with full authority to use all Lawfull means for his protection, and for the apprehending of all such persons as should attempt to seize or molest him on the afs^d acct, since which the under Sheriffe of Dorset and one or two more, his Assistants, has been with him, but understanding the Danger they were in, and judging themselves too weak to contend, suddenly changed their usual tone, and pretending that they were now better satisfied with Newton's Objections against their claim hastily left him, Declaring they would trouble him no more about it, But this was only to gett clear of p'sent Danger, for not many Days after, viz., the 26th of last month, very early in the Morning, the same Under Sheriffe, assisted with Ten or a dozen lusty pirt fellows, broke in upon him and surpriz'd him as he was makeing his fire, and hurried him away with all the speed they possibly could to the house of one Richard Cooper, within their own Border and about four miles from Newton's, where they stop'd, thinking themselves past Danger of pursuit, and Intended to convey him thence to Cambridge Goal. But notwithstanding all this secresy and Dispatch on their part, our new made Officer had some Intellegence of it, and thereupon quickly gott together and mounted about an Equal number of his Neighbors, the first he could come at, of whom some were old, some very young, with these he pursued the Enemy, came up with them, Bravely attacked them in their Fortress, and after a Bloody Battle (but no life lost) Totally Routed them, Released Newton and brought him safe home again. What remains now is that the Marylanders Loudly threaten that they will Raise the whole posse of Dorset County but they will have Newton again.

I fear S^r I have been too tedious by being too p'ticular, Yet I had almost forgot one thing which I believe I ought to acquaint you with, viz., the situation of Newton's place, which is on one of the uppermost Branches of Choptank River, I think y^t called the Cowneck* Branch, and near the head thereof, where some of the Inhabitants have of long time held of Pensilvania, some of Maryland, according to their several fancies, But they are generally of the former, of which some Dwell two or three Miles to the Westward of this place of Contention.

Thus far on this occasion I have endeavored to Discharge what I thought was my Duty towards our Hon^{ble} Proprietor and Govern^r, And shall always continue so to do on all future Occasions that may p'sent, to the Utmost of my small abillities. I have nothing more to add unless I may be p'mitted to say that I fear this affair has been pushed on by some Neighboring great Men, who p'haps would not be sorry to see the two Governm^{ts} Embarased by any accident whatsoever, at this Critical Juncture.

* I Believe Mr. Hamilton or Mr. Steel can Describe this place to you more p'ticularly.

I am with all Due Respects,
 Yo^r Obliged ffr^d to Command,
 BENJAMIN SHURMER.

Pray s^r be pleas'd to p'sent my humble Duty to our Proprietor & Governour.

Directed—To Mr. Robert Charles, in Philadelphia.

Indorsed—B. Shurmer, Jan^r 1st, 1732-3, to Mr. Charles.

JUSTICES OF KENT TO GOV. GORDON, 1732-3.

Dover, 16 Jan'y, 1732.

May it please the Govern^r,

We, the subscribers, being all the Magistrates that can at this juncture be readily call'd together, some being sick, some absent, having this Day rec'd Yo^r Hon^{rs} Letter to us by J. Steel, Jun^r, Dated the ninth Inst., are obliged as well on our own parts as on behalf of our absent Brethren, gratefully to acknowledge Your Hon^{rs} ffatherly care and concern for the Public Weal of our Country, and Your kind Instructions to us in p'ticular, which we shall carefully Endeavor to make the Rule of our conduct in that Capacity wherein Yo^r Hon^r has been pleas'd to putt us.

We have seen the Letter of your Cl^k to Yo^r Secretary, and considering the Importancy of the affaire, have approved of his Dilligence and Dispatch therein, tho' he had not time first to consult us, nor be more fully Inform'd himself, and now on further Inquiry we have this to add in our ffavour, that we finde the Land in Dispute was first surveyed and Laid out for one John Newell, (an Old Inhabitant and seater in this County,) about or near eighteen years ago, by Richard Smith, the then sworn Surveyor of this place, But whether by Warr^t or otherwise we cannot at p'sent say, But we p'sume that may be seen by the Records above. Newell, after he had made an Improvem^t, and Dwelt thereon several years, quitted the p'mises to one John Turner, he again to one Isaac Mason, both Old Residents here, and these all in their several turns Duly and Constantly paid their acknowledgm^{ts} to our County, without any Interruption or Caution from the other side, (until about five years since,) when the said Mason on some Occasion unknown to us took a ffrollick to change sides and joyn himself to Dorset County, and soon after sold the place to John Newton, the p'sent possessor, p'tending he had good Right thereto Granted him from Maryland, which according to the best Information we can yet attain, proves altogether ffalse, tho' the Man (Mason) was made to believe so by the then Surveyor of Dorset.

As to Newton's Behaviour in the affaire since, We beg leave to refer Yo^r Hon^r in part to Mr. Shurmer's fformer Letter, But under

these Corrections, viz., That said Newton did not on his Discovery of Mason's wrong Information, Enter the p'mises on our County Surveyor's Book as Vacant Land, But applyed himself to Newel, the first Taker up as afs^d and from him obtained a Deed ffor the same bearing Date the 14th day of 9ber last past, by which Tenure he now holds. Touching the situation of his Lands, We have here Inclosed a copy thereof as it is described in the afs^d Deed, to which we add that we judge the same to be about Ten or Twelve Miles in a straight Line West of the Bay of Delaware, and that there are several Inhabitants in that Neighborhood, seated a Mile or two and some more to the Westward of Newton who hold and always have held for two seven years past of our prop^r without any molestation from Maryland, as Rob^t Meredith, Hugh Meredith, and one Dell, and some others, which we cannot at p'sent Remember the Names of, and but only one, viz., Michael Lober, Jun^r, who holds of Lord Baltimore, and who leaft us on the like fforlick as Mason above Mentioned, and about the same Time.

Yor Hon^r has already been Informed of Newton's application and petition to us for protection, and of our Granting a General Warr^t to a Constable in his Neighbourhood for the p'servacon of the peace, &c., in which we had the advice and Concurrence of Mr. Steel, then with us, But we do not understand that what happened in the late ffray on our people's part, was done, or in any wise p'tended to be done, by Vertue of that Warrant, But rather as a Voluntary act of the Neighbours, and the Constable as one of them, on hearing how Newton had been serv'd, and on accot of some Insults and Braggs of Manhood, and a sort of Challenge for a little tryal of skill that way, made by the Under Sheriffe of Dorset and his Company. Neither can we flinde that when our people came up with them at Cooper's, and there reminded them of their Bragging, &c., they had so much as a stick in their hands, tho' the others were much better provided. Nor do we yet understand that they once Demanded Newton of them, tho' Indeed he made his Escape and gott off by himself dureing the scuffle, But dares not since lodge in his own house for fear of a second surprise, which he daily expects.

This Sr is the substance of what we can at p'sent say concerning this unhappy affair. What more may come to our knowledge hereafter by any farther progress therein, or any other accident deserving Notice, we hope we shall not fail on our parts of timely acquainting Yor Honour therewith, and in the mean time of doeing all that's in our power towards asserting and maintaining our Hon^{ble} Prop^{rs} and our own just Rights, and also upholding and Continuing a good and amicable understanding with our Neighbors of Maryland.

We are, May it please Y^r Hon^r,

Y^r Hon^{rs} most faithfull humble Serv^{ts},
 CHARLES HILLYARD,
 MARK MANLOVE,
 JOHN TILTON,
 THOS. BERRY.

Directed.

To the Hon^{ble} Patrick Gordon, Esq.,*
Governour of the Province of
Pensilvania.

Indorsed.

16th Jan'y, 1732. Justices of Kent to ye Govern^r, w^h an Abstract of Jn^o Newell's Deed to Jn^o Newton.

ABSTRACT OF NEWTON'S DEED, 1732.

An Abstract taken out of John Newell's Deed to John Newton, of Kent County.

A certain tract of Land, called Newell's Parke, Scituate, being & lying in the fforrest of Kent Co'ty afs^d, & on the South Side of a Marsh, called Cow Neck Marsh, formerly entered & Surveyed, to Wit, in the Year 1716, by Richard Smith, Deputy Surveyor of Kent Co'ty, Butted & bounded as ffolloweth: Beginning at a Corner White Oak, being a Corner of a Tract of Land laid out for Thomas Skidmore, Standing on the south Side of the Cow Neck Marsh & Running from thence a Cross the Marsh to a Corner Stake, Standing on the North Side of the s^d Marsh, & running from thence Easterly, bounding by the Edge of the ffast land on the North side of the Marsh Eighty Perches, to a Corner Red Oak, then South into the Middle of the Marsh 20 perch to a corner stake, then up the s^d Marsh, bounding by the Middle thereof, two hundred & forty-four Perches to a Corner Marked White Oak, then South-south-West One hundred & fifty-two perches to a Corner, then West two Hundred & Eighty perches to the line of Skidmore's Land, then N. N. W., bounding by the s^d Line 86 perch to Skidmore Corner, thence North North East 64 pch to the Beginning, being two hundred Acres.

Examined & Compared with ye Original,

Per DAD. REES, D. Clk.†

DEPOSITION OF SAMUEL THORN, 1732-3.

[No. I.]

Samuel Thorn, of the County of West Chester, in the Province of New York, Blacksmith, being solemnly sworn on the holy Evangelists, maketh Oath, that one Jeremiah Fowler, of the County afore-said, Yoeman, being indebted to him, & having fled out of the

* See Gov.'s answer, Col. Rec. Vol. III. p. 526.

† See also letter of Manlove and Housman, Jan. 26—page 377.

said County, this Deponent went in Pursuit of him, & understanding that he had taken his way to the Southward or Westward, this Deponent followed him into Pennsylv^a, where he understood he had crossed Sasquehannah, & being directed to one Thomas Cressap, living on the West Side of Sasquehannah, as a Person proper to assist him in the Pursuit of the said Fowler, of whom Information had been given y^t he was seen at the house of the said Cressap, & had taken the Road from thence to Annapolis; this Deponent engaged the said Cressap to assist him in the Pursuit, agreeing to pay the said Cressap Ten pounds for his trouble, in case the said Fowler should be apprehended. That, accordingly, this Deponent & Cressap were above Eighteen days employed in the Pursuit, & having taken Fowler, this Deponent Satisfied Cressap according to their agreement. That Cressap, some small time thereafter, called aside the said Jeremiah Fowler, & privately told him that if he had any Inclination to gett out of this Deponent's hands, he the said Cressap would manage it & would undertake to carry him to a Place where no Law could reach him, which Conversation the said Fowler, being shocked at Cressap's Villany, soon after disclosed to this Deponent. And this Deponent further saith, that while he was at Thomas Cressap's house, & in his Comp^a on the Pursuit aforesaid, the said Cressap told him that he had been at Annapolis since the Arrival of Lord Baltimore, had been very kindly received by his Lordship, & had gott his Commission to be a Justice of the Peace, & added that his Lordship would never execute the Agree^{mt} made between him and the Proprietors of Pennsylv^a, touching the Boundaries of their respective Governments, because the Proprietors of Pennsylvania had cheated his Lordship by imposing a false Map of the Country upon him, and that his Lordship would rather chuse to pay the Five Thousand Pounds forfeiture, mentioned in the agreement than comply with the Terms of it. That he the said Cressap had heard this at Annapolis, from some Gentlemen of Note there; And then the said Cressap descended into Invectives against the Proprietors & Government of Pennsylvania, treating both with several gross Scurrilities. And further this Dep^t saith not.

SAM^{LL}. THORN.

Philad^{ia}, January 23^d, 1732-3.

Jurat Coram,

SAML. HASELL, May^r.

DEPOSITION OF JEREMIAH FOWLER, 1732-3.

[No. II.]

Jeremiah Fowler, of the County of West Chester, in the Province of New York, Yoeman, maketh Oath on the holy Evangelists, That

after he was apprehended by Samuel Thorn & Thomas Cressap, & had seen the said Thorn make Satisfaction to the said Cressap for his trouble in pursuing & apprehending him this Deponent, the said Cressap in about an hour thereafter, calling this Deponent aside told him, that if he had any Mind to escape from Thorn, he would assist him in it, & would convey him to a Place where no Law should reach him, but this Deponent being shocked at Cressap's Villany, & Ingratitude towards Thorn, & repenting that he had given his just Creditor so much Trouble already, refused to accept of Cressap's Proposal. And further this Deponent saith not.

JEREMIAH FOWLER.

Philad^{ia}, Jan^{ry} 23^d, 1732-3.

Jurat Coram,

SAML. HASELL, May^r.

The foregoing Affidavits of Jeremiah Fowler & Samuel Thorn were this Day taken before Me, the underwritten, Mayor of the City of Philadelphia, In Testimony whereof, I have here-
[SEAL.] unto sett my Hand & caused the Seal of the said City to be likewise affixed, the twenty third Day of January, Anno Domini, 1732-3.

SAML. HASELL, May^r.

Indorsed—"Affidavits Samuel Thorn & Jeremiah Fowler."

CERTIFICATE TO GOV. GORDON.

Pennsylv^a.

Patrick Gordon, Esq^r., Lieut Governor of the Province of Pennsylvania & Counties of Newcastle, Kent & Sussex ou Delaware.

To all to whom these presents shall come sends, Greeting:

Know ye that Sam^l Hasell, Esq^r., who hath made the annexed Certificate, touching the Copies of the Affidavits of
1 Samuel Thorn, (No. 1,) Jeremiah Fowler, (No. 2,) John Emerson, (No. 3,) of the Information of Cornelius Comages, (No. 4,)
2 & Examinations of Richard Ashton, (No. 5,) and James Hendricks, (No. 6,) hereunto likewise annexed, is at this time
3 Mayor of the City of Philad^{ia}, to whom all due Faith & Credit is
4 & ought to be given; And that Andrew Cornish & Tobias Hendricks Esquires, before whom the original Information of the said
5 Comages & Examinations of the Said Ashton and Hendricks were taken, are Justices of His Majestys Peace for the County
6 of Lancaster, within this Province, to whom, in like manner, all due Faith & Credit is & ought to be given. In Testimony

* See Col. Rec. Vol. III. p. 537. See pp. 397, 400.

whereof, I have caused the Great Seal of the Said Province to be hereunto affixed. Given under my Hand, at Philadelphia, the twenty-third day of July, in the Seventh year of the Reign of Our Sovereign Lord George the Second, over Great Britain, France & Ireland, King, &c., Anno Dom, 1733.

Ex^d.

Philadelphia.

Samuel Hasell, Esquire, Mayor of the City of Philadelphia,
To all to whom these presents shall come, sends Greeting :

Know ye, that at Philadelphia, on the twenty-third day of January last, came before me, Samuel Thorn, of ye County of No. West Chester, in ye Province of New York, Blacksmith, & Jeremiah Fowler, of ye County & Province aforesaid, Yeoman, 1 and Severally made Affidavits, of which No. 1 & 2 hereunto 2 annexed are true & exact Copies, by me faithfully compared with the Originals.

And at Philadelphia aforesaid, the twelfth day of this instant, July, before me came John Emerson,* of the said City, Gentle- 3 man, & made an Affidavit, of which (No. 3) likewise annexed is a true and exact Copy, by me faithfully compared with the Original.

And I do further certify, that I have in like manner com- 4 pared the annexed Copys, No. 4, 5 & 6, of the Information of 5 Cornelius Comages, & Examinations of Richard Ashton & 6 James Hendricks, with the Originals referd to in the above Affidavit of John Emerson and to the same annexed, & do find them to agree.†

In Witness whereof, I have hereunto Sett my hand & caused the Seal of the Said City to be affixed, this twenty-third day of July, Anno Dom., 1733.

SAM^L. HASEL, Mayor.

Ex^d.

Re.

Indorsed —“ Certificats to the Affid^{ts} of Thorn, Fowler, Emerson, &c.”

JUSTICES OF KENT TO JUSTICES OF MARYLAND, 1732-3.

DOVER, Jan'y 26th, 1732.

Gentlemen :

We haveing lately had an Exact Account of the late Unhappy fray that happened at Richard Cooper's, between some of our people &

* See p. 396. † See p. 397, 400.

yours, which we doubt may be of an Ill Consequence, Especially at this Juncture, when there is so great hopes of an Amicable Agreement betwixt his Lordshipp & our Proprietor, & therefore thought it our Duty as Conservators of the Peace on our Side, to give you the best Account We Can, Concerning John Nuton's* Affair: The Land whereon Nuton Dwells (as you may See in the Recital in his Deed†) was taken up under this Government in the Year 1716, for John Newell, who also Settled on the same Several Years and then Sold it to one Turner, who sold it to one Isaac Mason, an Old Inhabitant of this County, and in their Several Turnes Deemed themselves to Live in this County, & here paid their Publick Dues, &c., Till Just before Mason Sold it to Nuton, Resolving to Change his Land Lord made Application to your Surveyor to Survey & Secure the said Land under Maryland, Who it Seems, did promise him so to do, & had two Cows and Calves towards the Charges, &c. But Mason soon after sold the Land to Newton, & told him that the Land was to be Secured in Maryland, & therefore Nuton there rendered himself for some time, but finding that the patent never came to his hand, he Says he went to your present Surveyor's Office to See what was done concerning the premises, the former Surveyor, Hayes, then being Dead, But found he had Deceived Mason, & in the mean time had likewise found out that the Land had been taken up here as above said; he from that time rendered himself to the County as his predecessors had done, and at our November Court last, got a Deed for the same Land from Newell, the first taker up. Now all this he represented to us, who were also Acquainted with it before & got a General Warrant Lodged in the hands of one of his Neighbours for the preservation of the peace, having been before that taken or threatened to be taken, by your Undersheriff; but we do not Understand that our people pretended to any Authority from us at Cooper's, Neither should we Encourage any such frays as then Hapened. But as to the protection of Nuton in his own House, We do not think was amiss, and are fully perswaded when you are thus or more fully made Acquainted with the Affair that you will be of our mind in that; and so Gent. Desiring to live in Unity and peace with our Neighbours of Maryland, as in the main we have hitherto done,

Conclude Your friends & H'ble Servants,

in behalfe of our Selves and Brethren,

MARK MANLOVE,
JN^o. HOUSMAN.

P. S. We hear that your Sheriff intends to Visitt Nuton again with fifty men, but we Conceive it is rather a hot headed humour of his own than any Encouragement he has from you; pray let us have a Line from you of your Sentiments & Advice, & you will much Oblige

* See Colon. Record, Vol. III. pp. 508. 513, 522.

† See page 374.

us who Desire Nothing more than what is Just & According to the Agreement of our Landlords in the Year 1724.

To the Wp'full Mess^{rs} Henry Ennalls and his Associates, his Lordships Justices of the Peace for the County of Dorchester in the Province of Maryland. Per George Wilson.*

JUSTICES OF MARYLAND TO JUSTICES OF KENT, 1733.

DORCHESTER, Jan'y. 29, 1733.

Gent:

As We cannot receive a better Information under whose Governmt Newton holds his Land than from himself, who by rendering himself to Our Constable, an Inhabitant of this County, is by our Law obliged to pay Us his proportionable part of Our County Tax, and for Default thereof is by the same Law punishable; and if he was mistaken in the Affair, We think the least he could have done would have been, to have obtained a Certificate from the Justices of that County wherein he now supposes himself an Inhabitant, in Order to obtain a Noli prosequi on the Information against him here; and as on the One hand We think it would have been more advisable for the Justices of your County to have appeared to the Information against him here, than to grant a Warrant to rescue a Man from a deserved punishment; so on the other, his Ld'ps Authority and Dignity now being by sundry of the Inhabitants repeatedly trampled upon, We cannot further advise in the Premises until his Ld'ps pleasure shall be known unto,

Gent., who am for self & Brethren,

Yr humble Servant,

H. ENNALS.

P. S. Our Sher^r being generally known to be a Man of Honour & Prudence, as We cannot expect that he will tamely submit to notorious injuries, so We believe he will always act with Caution & Circumspection, & could wish that the Inhabitants of the Province would govern themselves so as to live peaceably up to the Agreements of Our Land Lords with the People of Maryland.†

Indorsed.

“Copy of Justices of Dorchester County Lre to the Justices of Kent County on Delaware.”

* See Shurmer's Letter, Feb'y. 2, page 380. Also Col. Rec. Vol. III. pp. 508, 513, 522.

† An exact copy of the foregoing is signed by another Justice in the same —Henry G. Maull. See Col. Rec. Vol. III. p. 508; also, Shurmer,s Letter, Feb'y. 2, p. 380.

B. SHURMER TO ROBERT CHARLES, 1732-3.

Sr:

Our Magistrates being Solicitous to Inform themselves of Newton's affair and its Consequences, as far as possibly they can here, in order to Transmit every material part thereof to Our Gov^r, thought fit to send by a special Messenger a Letter to the Justice of Dorset County concerning that Bussiness, ffrom whom they have re'ved a very short Answer, The Original of both which I have here Incloased, That on our part, in its rough state as Justice Manlove Drew it, hoping it will give no offence, but rather fuller satisfaction to his Hon^r; To which I take Liberty to add, in respect to a paragraph in the Maryland Let^r, That the last time, viz: but a few days before the affray, when the under Sheriffe of Dorset was with Newton at his House, Newton promised him to send to the High Sheriffe a Certificate of his Case from hence, and a Copy of his Deed ffrom Newell, which at that Instant the said Undersheriff seem'd satisfied with, But did not afterwards give him time to do it, as the sequel soon manifested. He has also now, (as he tells me,) that is, by our Messenger above-mention'd, sent down to Dorset their full Demand of Dues, (exclusive of ffines & office ffees,) for so long time as heretofore he Imagined himself to be in their County, ffor he had not, it seems, paid all before, tho' had Duly render'd in his Taxables, This I think he has been advis'd to by some of our Magistrates. I am, Sr, With humble Duty to our Prop^r & Gov^r, and all Due Respect to Yo^r Self,

Yo^r Assured and obliged ffriend to Command,

BENJAMIN SHURMER.

Dover, 2nd Ffebr, 1732.

P. S. Since the above written, George Willson, Our Messenger, (an Intelligent man,) has been here, ffrom whom I learn the foll^s p'ticulars, viz: That when on Newton's behalf he Tender'd to Major Ennalls the arrears of his Ordinary Dues ffor the two or three Years that he gave himself in as one of their Taxables, it was refused with Indignacon and some unhansome Reflections, whereupon George Desir'd then to know what their Demands against Newton were, And was Answered, that besides those Dues, He was fined according to the Laws of Maryland, 1500^{lb} of Tobacco p'ann. ffor every Taxable he had refused or neglected to give in ffor the last three Years that he Imagin'd himself to be in our County, of which Newton had three ffor the ffirst Year, two for the second, and only himself ffor the third, which amounts to 9000^{lb} of Tobacco, Besides Attornies, Sheriff's and Clk^s ffees, all which putt together, was Calculated by the Major to the sum of about 15000^{lb}, which will Ruine the poor man if they can catch him, which by George Wilson's report they seem to be resolv'd upon by all possible means, unless their Sheriff's heat be

moderated by his L^dsh^p, to whom he is now gon ffor Directions, But if all his Representacons be like what they have re'ved, and Cultivates in Dorset of the late Rescue, as they call it, his Lordship and their Governm^t, will be much Imposs'd on, ffor there they generally have it that our people, to the Number of betwixt twenty and thirty Men, fell on their Under Sheriffe & his p'ty, with Guns, Clubs, &c., when certainly there were not on that Occasion one-third of that Number, nor (by the best acco^{ls} we can gett,) had they any thing more with them than their Riding Switches, except what in the scuffle they had wrested from the hands of the adversary. Upon the whole George says, the Gentⁿ of Dorset seem to Resent the Matter so as to Resolve to make Reprisals (as they term it) on all Occasions they can lay holt of. But I hope the Wisdom and Temper of our Superiors ffor whats past, and a Diligent Care amongst our Selves ffor the Time to come will p'vent all future Mischief.

B. S.

Direction.

"To Mr. Robert Charles, Philadelphia,

"~~By~~ M^r Edw^d Hart."

J. ROSS. TO GOVR. OGLE, 1732-3.

DORCHESTER COUNTY, 4th Feb'y. 1732.

S^r:

Being sent by my L^d into Dorchester County, I have by his Orders taken the inclosed Depositions, and am by him directed to inform your Excellency that he would have you in his Name demand of Gov^r Gordon the Men to be delivered into his Government, who committed the Riot at Cooper's house, and rescued Newton from the Under Shf. of the County; I have sent the Under Shf. to Newton's to apprehend him and carry him to Annapolis; Newton did for ten or twelve years pay Levies in this Province, but for the two last years he has been perswaded by the People of the other Government to refrain doing it, under promise (as is believed) of Protection from them.

I am, y^r Excellency,

Most Obedient humble Servant,

J. ROSS.

My L^d and all the familys are well at Annapolis.

The Hon'ble Sam^l Ogle, Esq^r.

DEPOSITION RESPECTING MARYLAND—1732-3.

The Deposition of John Sullyvant of Dorchester County, Aged Twenty-Seven Years or thereabouts, being Sworne upon the Holy Evangelist of Almighty God, upon his Oath Doth Say, that being pressed by the Sheriff of the said County to Assist his Deputy, Daniel Sullyvant, to take a Certain John Newton, who as this Deponent Understood had made his Escape from the said Daniel Sullyvant, in pursuance of which this Deponent with the said Sullyvant, (Sheriff meaning) and Several others, Did on the Twenty-Sixth day of December last, go to the House of the said Newton and took him, and bringing him along the Road came to the House of a Certain Richard Cooper of Dorchester County, called in, and after being at the House sometime, came Robert Howard, John Howard, Arthur Steele, Robert Meredith, James Monsey, one McClamey and Wife, with two other Women, all who this Deponent Understood was Inhabitants of Kent County on Delawar, Several whereof haveing Guns and the rest Clubbs came first up to the House, John Howard and the rest being a small distance off, and asked if John Newton was there, the Answer was made him Yes, and asked what he wanted with him. Howard said that he had brought a Horse for him, and that he should go with them; this Deponent then told him to go about his Business for he should not have him, he returning to the rest of his Company, after a little they all came up in a Body and said that if We would let them have him, the said Newton, they would come into the House & take him, or be Damned; and thereupon, asking Cooper's leave, they Rushed into the House upon us, as We had not force to withstand them, some with their Clubbs knocked down William Andrew, who lay all the time of this Skirmish, and at last was helped up, and the rest being two or three to one, Beat and Abused this Deponent the Sheriff and many others of the Company most barbarously, and thereby Refused the said Newton; And further this Dep^t Saith not.

JOHN SULAVAN.

Sworne to the 5th day of February, 1732, before me,

PETER TAYLOR.

Copy.

DEPOSITION FROM MARYLAND.—1732-3.

The Deposition of Richard Andrew, aged twenty-One Years, being Sworn on the Holy Evangelist of Almighty God, deposeth and saith, that he was commanded by Henry Trippe, high Sheriff of Dorchester

* See Colon. Records, Vol. III. p. 508 and 524.

County, to assist Daniel Sullyvant, Under Sheriff of the said County, in taking One Newton, who, as he this Deponent was informed, had formerly made his Escape from him the said Sullyvant, in pursuance of which, he with the said Sullyvant & Sev^l Others, did on the twenty-Sixth Day of Dec^r last, go to the house of the said Newton, took him, and bringing him along the Road came to the house of Richard Cooper of Dorchester County, aft^d Called in, & after being in the s^d Cooper's house Some time, there came Arthur Steele & Sev^l Men & Women, to this Deponent unknown, but has been informed were Inhabitants of Kent County, on Delaware; One of them, as this Deponent was afterwards told his Name, to be John Howard, rode alone up into the Yard of the s^d Cooper's house and asked if Newton was in the house, Answer was made Yes, he again returned to his Company, and they all Came up in a body together into the Yard, Some armed with Guns, & the rest Clubs, & said they would have him, the said Newton; And Robert Howard, as this Depont^t was afterwards informed of his Name, Came up to the Door of the house of the said Cooper and wanted to come in, but Sullyvant the Under Sheriff pushed him back three times; Howard at last rushed into the house, and the People within Doors closed with him, and Some of Howard's Company hawled this Deponent out of Doors, and three of the said Company got upon him and beat him, Daniel Sullyvant coming out of the house to assist this Deponent, Robert Howard and Some Others got the s^d Sullyvant down, punched him in the belly with their Knees; And this Deponent heard the said Howard say that Sullyvant was his the said Howard's Prisoner, & that he would tye him and Carry him to Prison, And that he ordered a Rope to be fetched, which was done accordingly, by which meanes Newton escaped from them, and further this Deponent Saith not.

RICHARD ANDREW,

Sworn to, 5th Day of Febr^y, 1732.

PETER TAYLOR.

Copy.

DEPOSITION FROM MARYLAND.—1733.

The Deposition of William Andrew of Dorchester County, Aged about two & twenty Years, being Sworn on the Holy Evangelist of Almighty God, upon his Oath Doth Say, that being pressed by the Sheriff of the said County to Assist his Deputy, Daniel Sullyvant, to take a Certain John Newton, who as he Understood had made his Escape from the said Daniel Sullyvant, in pursuance of which he with the said Sullyvant, (Sherriff meaning,) & Several others, did on

* See Col. Rec. Vol. III. p. 508, 526.

the Twenty-Sixth day of December last, go to the House of the said Newton & took him, and bringing him along the Road came to the House of Richard Cooper of Dorchester County aforesaid, called in, & after being in the said Cooper's House some time came Arthur Steele, with twenty-two men & three Women, to this Deponent unknown, but as he afterwards understood were Inhabitants of Kent County, on Delawar, Several whereof had Guns, & the rest Clubbs, One of them Named John Howard, as this Deponent was afterwards told was his Name, came first up to the House & asked if John Newton was there, who was answered Yes, & asked what he wanted with him; Howard said that he had brought his Horse for him, and returned to the rest of his Company: A little while afterwards Robert Howard (as this Deponent afterwards was informed of his Name) came up with the rest in a Body to the House of the said Newton, And the said Howard with some others Swore they would be Damned if they had not the said Newton, that they Rushed into the said Cooper's House, knocked down this Deponent, & beat several others that came in Company with him to Assist the Under Sherrieff, & rescued him the said Newton, And further this Deponent Saith not.

WM. ANDREW.

Sworne to, the 5th of Feb^{ry}, 1732, before me.

PETER TAYLOR.

Copy.

DEPOSITION FROM MD., 1733.

The Deposition of George Andrew, aged Twenty three years or thereabouts, Being sworne upon the Holy Evangle of Almighty God, Deposeth and Saith, That he was commanded by Henry Trippe, Sherrieff of Dorchester County, to assist Daniel Sulivant, Under Sherrieff of the said County, in takeing one John Newton, who as this Deponent was Enformed, had formerly made his Escape from him, the said Sulivant, in pursuance of which he w^b the said Sulivant and several others, did on the Twenty Sixth day of December last, go to the house of the said Newton, & took him, and Bringing him allong the road, came to the house of Richard Cooper, of Dorchester County aforesaid, called in, and after being in the said Cooper's house some time, there came Arthur Steel and severall men and women, to this Deponent unknown, but has been Enformed were Inhabitants of Kent County on Delaware, and one of them named John Howard, as this Deponent was afterwards informed, came alone into the yard belonging to the said house, and asked if John Newton was in the house, answer was made "yes," Howard then said he had brought him his horse, and returned to his company, a little while after a certain Robert Howard, as this Deponent heard was his name, came

up w^h the rest of his Company, to Cooper's house, Brake into it, and hauled Richard Andrew, one who went along with this deponent to assist the Under Sherriff, out of doors, and this deponent farther saith, that he pulled Arthur Steel and two others from off Daniell Sulivant, the said Under Sheriff, and prevented their beating him any more, and he, this Deponent, saith, that he heard the afs^d Robert Howard say that Daniell Sulivant was his Prisoner, and that he, the said Howard, would tye him, the said Sulivant, and carry him to Prison, by which means the said Newton made his Escape, and further this Deponent saith not.

GEORGE ANDREW.

Sworn to, before me, 5th of Feb^y, 1732.

(Copy)

PETER TAYLOR.

G. PHENNY TO GOV. GORDON—COLLECTOR APPOINTED, 1732-3

Charles Town, S^o Carolina, Feb^y 6th, 1732-3.

S^r,

The Hon^{ble} the Commissioners of his Majesties Customs, having Directed me to Appoint M^r Ju^o Moore to be Deputy to M^r Grosvenor Bedford, Collector at your Port, and having rec^d an acc^t of the Decease of the said Moore, I have herewith sent a Deputation to M^r Peter Evans to act in that Office, untill a Deputy shall be appointed by the said Grosvenor Bedford, under his Majesty's Letters Pattents, I desire therefore that you will please to administer to the said Evans the Oaths appointed by Law; and I am Persuaded that you will give him all due Protection in the Execution of his Duty.

I am S^r,

Y^r most humble Serv^t,

G. PHENNEY.

Hon^{ble} Pat. Gordon, Esq^r.

By George Phenny, Esq^r, Survey^r Gen^l of his Majesties Customs for ye Southern District, on ye Continent of America.

To all People to whom these p'sents shall come Greeting:

Whereas, Mr. Grosvenor Bedford, Collect^r of his Ma'ties Customs at the Port of Philad^a, in America, did appoint Mr. John Moore to be his Deputy, and Whereas ye s^d Moore is since Deceased, Now Know ye Then by Virtue of the Power & Authority to me given, I do hereby Constitute & Appoint Peter Evans to be Deputy to the s^d Grosvenor Bedford, Collect^r of all ye rates & Duties & Impositions arising and growing due to his Majesty at ye port of Philad^a, in America, and this Warrant to Continue in force untill a pro-

per Person be appointed by ye s^d Grosvener Bedford, under authority of his Ma'ties Letters Patents to be his Deputy, Whereby he, ye s^d Peter Evans, hath Power to Enter into any Ship, Bottom Boat, or other Vessell, as also into any Shop, House, ware house, Hostery, or other place whatsoever, to make diligent search into any trunk, Chest, Pack, Case, truss, or any other p^cell or package whatsoever, for any Goods, wares & merchandize, prohibited to be Imported or Exported, or whereof the Customs or other Duties have not been duly paid, and the same to Seize to his Ma'ties Use, and also to put in Execution all other the Lawfull powers & authorities, for ye Better Managing or Collecting ye s^d Duties in all things, proceeding as the Law Directs, hereby Praying & Requiring all and every his Majesties Officers & Ministers, and all whom it may Concern, to be aiding & assisting to him in all things as becometh.

Given under my hand & seal of Office, at the Port of Charles-Town, in South Carolina, the Sixth day of febr^y, In the Sixth Year of the Reign of our Sovereign Lord George ye Second, Annoq Dom. 1732.

Indorsed.

F. Phenny, Esq^r, Sur Genⁿ, Feb^y 6th, 1832-3.

GOV. GORDON TO WRIGHT & BLUNSTON, 1733.

Philad^{ia}, Feb. 27th, 1732-3.

Gentlemen,

Your Letter of ye 30th of December,* together with the affidavits accompanying it, having in a good measure enabled me to judge of ye Complaint made by ye Lord Baltimore, I wrote to his Lop what I conceived would be a sufficient answer, But He Continuing to insist on satisfaction for ye ill usage of those whom He thin^s fitt to Call his Tenants, has lately sent me copies of two Depositions, on which I presume his Complaint is chiefly grounded, & these charge your Constable & those who assisted him, particularly James Patterson, wth several gross abuses offer'd to Lowe ye Father, when ye Warr^t was served on his two Sons. Now as it does not appear by your acco^t of ye matter that either any warrant was issued against John Lowe, or ye least injury done him; I was ye more surpriz'd on perusing these Depositions, of which I herewith send you Copies, to ye end that you may inform me very particularly of ye Truth of ye Facts therein Contained. I must own I can give but very little Credit to either of these depositions, & more especially to Cressap's, but yet ye expression with which he charges Patterson, is of such a nature as ought to be taken Notice of, and therefore on receipt hereof, I desire Patterson may be sent for & examined on it, & as I

* See page 363.

would not willingly believe he had been so excessively weak as to express himself in that foolish manner, you are to make due Enquiry therein, & likewise to Procure such proofs as may give light into ye abuses said to be offered to John Lowe. I am,

Gentlemen,

Your Loving Friend,

P. GORDON.

P. S. I am sorry Gent. I should give you so frequent Trouble, what you have already done was very much to the Prop^rs & my satisfaction, & for my part I return you my thanks for it; But on view of the affidavits now sent, you will see the absolute Necessity of providing ourselves with every thing that may invalidate their unreasonable Complaints, & therefore I request your Diligence herein. I must further putt you in mind to be very carefull of your Conduct in general, that on the one hand no just occasion of Offence be given to Persons who appear resolved at any Rate to force Causes of Complaint, & on the other that they be not suffered to offer amongst the Inhabitants any Indignities to the Government, and then I doubt not they may find their Policy will fail them.

Yours &c.,

P. G.

Indorsed.

Copy Govern^rs Letter to J. Wright & S. Blunston, Esq^rs, Feb. 27th, 1732-3.

JUSTICES OF KENT TO JUSTICES OF MD., 1733.

This is the Superscription :

To the Worshipfull Major Henry Ennalls and his Associates, his Lordships Justices of the Peace for the County of Dorchester, in the Province of Maryland.

Gentlemen,

We, the Subscribers, his Majesties Justices of the Peace for the County of Kent on Delaware, being ordered by the Hon^{ble} Patrick Gordon, Esq^r, our Governour, who has evidently at heart the continuation of the Tranquility & good Understanding that has in Gen^l for many years past been kept up betwixt Your Government & ours, (a few accidental Bickerings of some hot headed borderers only Excepted.) We say, that, the same Amity may still subsist & be further Cultivated, & Impartial Justice done to the Injured on either side—His Honour has ordered us to Inquire by the Oaths of indifferent & Credible persons, of what past in the late affray at Richard Cooper's, betwixt some of Your People & some of Ours, which Inquisition, the Better to Accommodate you, (if you Please,) we have

assigned to be at the house of Thomas Cox, at the Blackswamp, on Ffriday next, which is the nearest Place we can at Present approach you within our Government, to which time & Place we Kindly Invite you, or as many of you as are Willing for the Good purposes above mencon'd, to do us that honor, for we would as far as in us lies, avoid taking Evidence on this Occasion Ex parte, tho' such things You Know has been done. So in hopes Gent. of your Neighbourly & ffrriendly assistance at the time & place afs^d, and a quick dispatch of our Messenger, we Kindly salute you, & Remain
Your assured Lo. ffrriends,

CHA. HILLYARD,
MARK MANLOVE,
JOHN HOUSMAN,
JOHN TILTON,
HUGH DURBOROW.

Dover, M'ch 5th, 1732.

Indorsed.

5th March, 1732. Justices of Kent to those of Dorset.

JUSTICES OF MARYLAND TO JUSTICES OF KENT, 1733.

DORCHESTER COUNTY, March ye 6th, 1732.

Gentlemen: .

Yours of the fifth of this Instant we Received, but the time you Appointed being so short, that (if Inclined) could not probably Attend.

And it is our Opinion that we have no Business out of our Province to take Depositions in Such An Affair.

And we do Earnestly require you to deliver up to us those persons that comited the late Riot at the house of Richard Coopers, in this County (upon our Sherr^f and others,) as you tender our friendship and Correspondence, which is the Earnest Request of him who is for Self and Brethren,

Gentlemen,

Your Friend and Humble Serv^t,

HENRY ENNALLS.

Direction.

"To The Worshipfull the

"Justices of Kent County,

"on Delaware,

"These."

Indorsed.—"Justices of Dorset to those of Kent."

* See their answer below, and Col. Rec. vol. iii. p. 532.

G. PHENNEY TO GOV. GORDON, 1733.

CHARLES TOWN, March 12th, 1732-3.

Sir,

Mr. Bulley, ye Comptroller of ye Customs at yor Port, haveing wrote to me, on ye 12th of Decem^r last, that Mr. Moore was dead, and that Mr. Pet. Evans, his Son in Law, who understood the business of the Office very well, was to have a deputation from the Patentee in England, and recommended him (as did Severall of ye best fortunes and reputation here) as a proper person to Supply the Vacancy in ye meantime. I long before ye favor of yours came to my hands had Sent him a deputation for that Purpose, he giving Suff^t Security and takeing the Oaths appointed by Law, and did my Self ye hon^r to write to you on that Subject. I am Sorry, Sir, that I had not sooner the knowledge of that Gentleman's being Unacceptable to you, for I do assure you that It will be a great pleasure to me to convince you how truly I am,

Sr,

Y^r most Obed^t hum. Serv^t,

G. PHENNEY.

Gov^r Gordon.

Indorsed—"G. Phenney, Esq^r., Survey^r Gen^l, March 12th, 1732-3."

JUSTICES OF KENT TO GOV. GORDON, 1733.

May it please Yo^r Hon^r,

Immediately on the Receipt of Yo^r Letter to us of the 26th Ult.,* which came to Our hands @ James Steel, Jun^r, the 3^d of this Inst., we applyed Our Selves to the Execution of Yo^r Hon^{rs} Orders with as much Dilligence and Dispatch as possibly we could. How we have succeeded therein, we humbly conceive, will best appear to Yo^r Hon^r by the several Affidavits we have taken and herewith sent, together with a Copy of Our Letter to the Justices of Dorchester County, and their repeated good Natur'd Answer to us, brought by their High Sheriffe Mr. Henry Trip, and one of Major Ennall's Sons, (no Majistrate.) With some Difficulty, we did prevail on these to hear two of Our Evidences, who were only Spectators in the Affray and Differ'd much from what their Own People had Sworn, But could not persuade them to stay any longer, tho' Trip appeared to be a very pretty Young Gent. They Insisted much for an Answer, Pticularly to the Major's modest Demand that we should Deliver up Our men, &c., And we as much on their Staying to hear Our whole Evidence Out, that it might ffrom theme be more truly

* See page 386.

and Impartially Judged how far they were Culpable, Or whether at all so or not. But these two Gent. seem'd to be under strict Limits & unwilling to hear anything we had to say.

There Remains one Article in Yo^r Hon^{'s} Instructions to us, viz., the Binding over the seven men as Criminals, which we must Confess we could not Execute without some reluctancy, ffor these Our Borderers are not only many of them stout and Resolute Men, But heartily Attached to the Interest of Our Hon^{ble} Prop^{'s} and Govern^{mt}, And have oftentimes stood as a Bulwark against the unjust Incroachm^{ts} of some of our Invading Neighbours. Therefore, we thought Our selves Obliged to handle this point with as much nicety and Tenderness as possibly we could. But Your Hon^r is Obeyed. They are all Bound Over to the next General Quarter Sessions of the peace to Answer, &c.

We have nothing more to add, May it please Yo^r Hon^r, but that we are

Yo^r Hon^{'s} Most Dutifull

And most Humble Servants,

Dover, M^{ch} 18th, 1732.

CHARLES HILLYARD,
MARK MANLOVE,
JOHN HOUSMAN,
JOHN TILTON,
WILLIAM MANLOVE,
HUGH DURBOROW, Jun^r *

Direction.

"for His Maj^{ty} Service.

"To The Honble Patrick Gordon, Esq^r.,

"Govern^r of the Province of Pensilvania, &c.

"Per James Steel, Jun^r."

Indorsed—"Justices of Kent to Gov^r Gordon."

B. SHURMER TO ROBERT CHARLES, 1733.

S^r,

Before I had any Convenient Op'tunity of Answering Yo^{'s} of the 16th february, that of the 26th, per Steel, came to hand. Be pleased, therefore, to accept of this in Return to both.

And first Touching the Justices of Our County now in Commission and Acting. Here is only at p^{'s}ent Andrew Hamilton, Charles Hillyard, Mark Manlove, John Housman, Thomas Berry, John Tilton, Hugh Durborow, Jun^r., William Manlove, John Hammett, John Robbisson, Esq^{'s}, (Joseph Booth, Jun^r., never served). The rest are all Dead, except M^r. Hanson, who is now Sheriffe.

* See Col. Rec. vol. iii., p. 532.

I have Inquired of Mr. Manlove, the Trustee of Our Loan Office, And also of Mr. Durborow, Our Treasurer, concerning the Govern^{rs} Support Money. They both say that they Believe that there was an Order of the House of Assembly last Sessions that Our Quota of that Money should be paid by the Trustee of the Gen^l Loan Office out of the Yearly Interest Accruing, from the several Loans, &c. But no such Order is Yet come to his hands, But he said it is his Intention so to pay it as fast as he can receive so much of that Money, which as Yet he hath not, The first Day of this month, being the first Day of payment for this Curr^t Year, And hitherto almost all the Borrowers have failed.

As to the last proceedings of Our Magistrates P[']suant to the Govern^{rs} Instructions of the 26th Ult., Relating to Newton's affair. I refer You to their Return thereof, this Day made to his Hon^r ~~of~~ James Steel, Jun^r., and the several Depositions by them taken, &c., and therewith sent, while being pretty full, I hope will be satisfactory to Our Hon^{ble} Prop^{rs} and Gov^r respecting that unhappy, mischievous, and very troublesome Business. But I must speak a little of some few Omissions that in the last we were in has escaped us, P[']ticularly that when Samuel Brook, and also Samuel Money, had given in his Testimony, believeing he had no more to Do, he suddenly went away without signing it, and his Dwelling being about 14 Miles off, this Defect could not be mended at this time. But if his Honour thinks it Absolutely Necessary, it may be done in a Week or two, for I have the Rough Draught by me Verbatim.

The Deposition too of Mary M[']Hammy Happens not to be Taken quite so fully as I Remember she Express'd herself. I would indeed Avoid giving a second Just Occasion of Censure for Ludicry, (pardon my unskilfull, unpolite pronounsation.) But if I say that that Heroine gott one of the Dorchester Heroes, (I think it was he that Bragg'd he had bitt of an Iron Barr, into Coop's Celler, and there by plain force kept him Down at an open pass in spite of his Teeth. I say, this is no more than what she herself swore Before the Magistrates, tho' the same happens to be Omitted in the written Depⁿ.

Nither this, Nor that a Boy of but 18 or 19 Years old, the Son of Robert Howard, in single Combat, Hand to Hand, in the afr^d scuffle, fairly beat one other of their Mighty Men, is once taken notice off in any of the Dorchester Depositions.

I hope, Sr, You will Excuse me the familiarity of Menconing in this Manner these small Circumstances, because if they are of no more effectual Use, they may P[']haps afford to You a little Devertion in thought, And I will now Conclude on this Head with only one Instance more, viz., that it is certain, whether express'd in any of the Dep^s or not, that in the Number of the Sheriffe of Dorset's Chosen men for the taking of Newton, there was one whose Name was ——— Andrews, that would not Joyn with his Companions in the Affray at Coop's, But Declareing his Dislike to it, therefore stood

off as a Spectator only, this best of their Evidence (in all Likelyhood) it do not appear they have made any use off, But took only such as were parties, and had strong motives to say largely to cover their own shame in being so Beaten, which is the sole Reason ffor which I trouble You with the mencon of this perticular.

But I cannot quite end this scrible, without doeing Justice to Mr. Manlove and Mr Housman, P'ticularly the latter, (the fformer being somewhat prevented by a Troublesome Jury of Inquiry, with which he was Engaged at the same time.) They were both pitch'd upon as the proper p'sons to Deal with Cooper and his Housekeeper, (those Material Evidence,) and accordingly they both went to his House together, and Obtained ffair promises ffrom him that he would not ffail of comeing and bringing his said Housekeeper with him to Cox's, at the Black Swamp, and there Before the Justices Make Oath to the Truth of all that they knew of the matter in Question; But of this he did ffail, and instead thereof, sent to them only a very Trifling and Evasive Letter. Whereupon Mr. Housman Took the pains of goeing to him again, and then prevailed on him and his Housekeeper to come to a place within Our County, and there took of them those Useful Depositions, which You will see.

I think I cannot at p'sent say any thing Else, more or less worthy of Your Notice, except I should tell You of some of the old Artfull Tricks, that Certain of the Agents of Maryland begin at this Critical Juncture to Revive amongst Our people, such as an Exemption ffrom the 40 per pole, Releas of all arrears of Quitt Rents, and other such like popular Amusements. But as Conjectures on these heads are very uncertain, so I think if it be spoken of at all, it suits best with a personal Conversation, which I flatter myself with hopes of the Hon^r off, in a ffew weeks, at Philadelphia. In the mean time and always, I shall Chearfully Embrace all Occasions that may p'sent of Doeing the utmost within my small power ffor the Service of our Hon^{ble} Prop^r, and the Country wherein it is my Lott to Dwell, and in this Ressolution, and with my Humble Duty to him, and to our Hon^{ble} Gov^{rs}, and kindest Respects to Yo^r self, I Remain

Yo^r Assured and Obliged Loveing ffir^d, to Com^d,

BENJAMIN SHURMER.

Dover, 13th, March, 1732.

Please to acquaint the Gov^r, that Our Magistrates cannot give any more P'ticular Accot of Newton's Land, than what they Transmitted to him in their fformer Letter, and may Now be seen in Smith's, Newel's and Mason's Depositions.

N. B.—The Depositions Marked with this Asterisk (*) are of P'sons no way concerned in the Affray, But only as Indifferent Spectators who Causually happened to be there.

If it be any Apology ffor Our Detaining Mr. Steele here so long, It is True that these Depositions has been Obtain'd with much Trouble

and Difficulty, the several Depon^{ts} being so wide asunder, and some of them not at home at first, and some sick and could not Come, but were Visited by the Magistrate, and some of them were in Maryland and could not not be gott at all but out of Curtisie.

Direction.

“To Mr. Robert Charles.

“Philadelphia.

“~~¶~~ Mr. James Steal, Junr.”

Indorsed—“13th Mar. 1732, B. Shurmer to R. Charles.”*

DEDIMUS POTESTATEM: TO R. ASHETON, 1733.

Pennsylvania ss.

Patrick Gordon, Esq^r Lt Govern^r of the Province of Penn-
[L. S.] sylv^a & Counties of Newcastle Kent & Sussex on Dela-
ware.

To Ralph Assheton of the City of Philad^{ia} Esq^r Greeting:

Whereas by a Gen^l Commissⁿ of the Peace for the City & County of Philadelphia, tested by me under the Great Seal of the said Province, & bearing even date herewith, Isaac Norris, Clem^t Plumsted, Tho^s Laurence, Sam^l Hassell, Esq^r The May^r & Record^r of Phil^a for the time being, Edw^a Farmer, Charles Read, Edw^a Roberts, Rich^d Harrison, Derick Jansen, Owen Evan, Will^m Allen, George Boon, Tho^s Griffiths, George Fitzwater, Rich^d Martin, Lassey Boone, Jn^o Pawlin & Mordecai Lincoln, Esq^{rs} are assigned Justices for keeping and maintaining His Majestys Peace, and likewise Justice of the Court of Common Pleas within the *said City* and County of Chester as by the said Commⁿ more at large appears, These are therefore to Authorize & Impower you the said Ralph Assheton to administer to the said J. P., *all and every of the said Justices* the several Oaths & Declarations or Solemn Affirmations by Law required to qualify *them* [him] to enter upon the Execution of the Trust reposed in *them* [him] by Vertue of the said Commissⁿ Given under my hand & the Lesser Seal of the said Province, At Philadelphia the fourth day of March, 6th year of the Reign of Our Sovereign Lord King George the Second, Annoq. Dom. 1732.†

P. GORDON.

LORD BALTIMORE TO GOV. GORDON, 1733.

Sir:

I am favour'd with your elaborate letter,† and shall not trouble

* See Col. Rec. vol. iii., p. 532.

† See Col. Records Vol. III. p. 528.

‡ See Col. Records, Vol. III. p. 531.

You or my self with a particular answer, but deferr that, till I am before our Superiors, where as You well observe nothing will be so proper as a fair and candid representation of the facts; and I concur with you in opinion, that those who shall demean themselves in such a manner, will be most acceptable to his most gracious Majesty.

As I shall always pursue the measures which appear most for his Majesty's service, I am not under any apprehensions that my conduct since my arrival in this Province will be found to be other; and therefore I do still persist in demanding the delivery up of all the persons concern'd in the several Riots com'itted in this Province, that they may receive such punishment as the nature of their crimes requires, and this I do with more Ardour and confidence, being sensible of the fatal consequences such proceedings may involve these his Majesty's Dominions in, and which I take to be indispensably my Duty to present to the utmost of my power.

I am Sr

Your Hum^e Serv^t

BALTIMORE,

Annapolis, April
the 3^a 1733.

INDIANS' LETTER TO GOV. GORDON, 1733.

April 24th, 1733. Allegania.

Dear Friends & Bretheren,

We are no ways unsensible of the Certainty of Death & since it has happen'd that our Friend and Brother was took hence just when he was call'd to hold Council among You, We are very glad to hear that your Care of him in his Illness was so great & that after Death You bury'd him so handsomely, for had He died in the Woods his Bones wou'd have been scatterd & perhaps devour'd by wild Beasts. We receiv'd by Peter Cheartier the Present You Sent Us, all but the Belt of Wampum, which Wee heard not of 'till the Letter came nor have not yet Seen, for which we return You our sincere & hearty thanks, and for assisting Us in the time of our great Distress. Dear Friends Wee have one great Cause of Complaint, which wee must humbly beg may be remedied, which is, there is yearly & monthly some new Upstart of a Trader without Licence, who comes amongst Us & brings with him nothing but Rum, no Powder nor Lead nor cloathing, but takes away with him those Skins which the old licens'd Traders who bring us every thing necessary ought to have in Return for their goods sold to us some yearssince. Wee therefore beg thou wou'd take it into Consideration and send Us two firm Orders, one for Peter Cheartier, th'other for Us to break in pieces all the Cags so brought, and by that Means the old Traders will have their Debts

which otherwise never will be paid, & we remain for the rest of the Shawaneeze Indians.

Your most humble Servants,

the Marks of X UGOELLAR,
X COPOCKATAR,
X NOCHEKONNEE,
X KOCKONOLLEE.

Indorsed—"24th Apⁿ 1733, Shawaneeze Indians to y^e Propr.
Original & Copy."

LORD BALTIMORE TO GOV. GORDON, 1733.

Sir,

I am favoured with your's, And as to your Paying me The Complements suitable to the Character I bear in Life, by having the Honour (however undeservedly) of being of His Royall Highness's Household, I make no Doubt, You well considered & concerted before my arrival Even at New Castle, where I did declare (being asked) That I neither was ambitious of or expected Civilitys from those I must differ with, on the account of Their Behaviour in the Government of Pensylvania Since my Arrivall in America.

Your Humble Serv^t

BALTIMORE.

Directed.

"To the Hon^{ble} Patrick Gordon, Esq^r
Governour of Pensylvania."

Burlington, May 22, 1733—per Indorsement.

COMMISSIONERS OF CUSTOMS TO GOV., 1733.

S^r

It being directed by the Act of 7 & 8 W^m 3d^a Cap: 22, that the Naval Officers appointed by the Govern^{rs} in the Plantations shall within two months or as soon as conveniently may be after their respective appointments give security to the Commiss^{rs} of the Customs in England for the true & faithfull performance of their Dutys and be approved of by them, and that till such security be given the respective Governors are answerable for the Offences or neglects of the persons so appointed. And the persons appointed by you as Naval Officers within your Government never having been approved of or given such security as the Law directs—We desire you will please to acquaint Us with the qualifications of the said Officers for our acceptance and approbation of them and order each of them to nominate to Us two sufficient persons residing in Great Britain to be their securitys.

And the said Officers having omitted from time to time to send home Lists of all Ships & Vessels Entering and Clearing in their respective Districts as directed by the 22, & 23, Car. 2, Cap. 24, Sec. 12. We desire you will please to direct them to transmit to Us for the future at the end of each Quarter, an exact List of all the Ships or Vessels that have Entered & Cleared in the said Quarter.

We are S^r

Your most humble Serv^{ts}

H. HALE,
S. FAIRFAX,
ROBERT BAYLES,
C. E. PEER.

Custom H^e London,
9 June, 1733.

Directed.

"To His Excellency The Governour
and Comander in chief of His
Majesty's Province of
Pensylvania."

DEPOSITION JOHN EMERSON, 1733.

[No. III.]

Pensylvania, ss.

John Emerson, of the City of Philad^a, gent., being Solemnly Sworn on the holy Evangelists, Maketh oath, that he, this Dep^t, being at the house of one James Patterson, in the County of Lancaster, within the Province of Pensylvania afores^d, on or ab^t the fifth day of Aprill last, he, this Dep^t was Inform'd by the s^c Patterson & others, that one Richard Ashton, a Servant of s^d Patterson's, had been taken & detained in Custody by one Thomas Cresop, (living on the West side of Susquehannah,) who pretended to be a Justice of the peace in these parts, by Virtue of a Comission or some other Authority from the Lord Baltimore, Propriet^r of Maryland. Whereupon this Dep^t was prevailed on by the s^d Patterson to goe to s^d Cresop's house to enquire into the Reason of the s^d Ashton's Confinem^t. This Dep^t further saith, that the next day being the sixth of Aprill afores^d, this Dep^t arrived at the house of s^d Cresop, where after some Discourse with the s^d Cresop he Discharged & Sett at Liberty the s^d Ashton, and the s^d Cresop assign'd, as one of his reasons for Detaining s^d Ashton, that the s^d Ashton had Decoyed over the River, and prevailed upon one Cornelius Comages, a servant of him the s^d Cresop, to swear before Pensylvania Magistrates, to the prejudice of him the s^d Cresop, or words to that Effect. Y^e Dep^t saith that s^d Cresop further added that his servant, the s^d Comages, was Imposed upon in makeing an Information before the Magistrates of Pensylvania, & had since Deny'd that the facts set forth in his

s^d Information were true, (or words to that Effect,) whereupon this Dep^t (who was present at the time of s^d Comages makeing his s^d Information) desired s^d Cresop to call the s^d Comages, who Imediately appeared, and upon this Dep^{ts} Informing sd Comages w^t his sd Master, Cresop, reported, he, the s^d Comages, Declared in the p^rsence of s^d Cresop & Severall others, that he was no ways Imposed on in makeing his S^d Information in Pensylvania, and that the whole Contents thereof were absolutely true, & that he would Justifye the truth of them, (or words to that Effect.) Y^r Dep^t further saith, that to the best of this Dep^{ts} Remembrance, he, this Dep^t produced & read over the s^d Information, which Comages had made, in the p^rsence of s^d Cresop & others, & the s^d Comages again Declared that the whole was true, & that he could not recede from it, (or words to that Effect.) And this Dep^t further saith, that he was p^rsonally present at the takeing of s^d Comages s^d Information, as also the Examinations of the s^d Richard Ashton & James Hendricks, (all which are hereunto annexed,) before Andrew Cornish & Tobias Hendricks, Esq^{rs}, two of his Majties Justices of the peace for the County of Lancaster, and that the said Comages & Ashton were Severally Caution'd to Swear nothing but the truth, which they Voluntarily & Freely, (without any Imposition whatsoever,) undertook to do; & further y^r Dep^t Saith, That the s^d Cresop produced unto this Dep^t a Writeing under a large seal, (w^{ch} y^e Dep^t believes was the Seal of Maryland Province,) purporting a Comission from the Lord Baltimore, & appointing the s^d Cresop as one of the Justices of the peace for the County of Baltimore in Maryland.

JNO. EMERSON.

Which Affidavit aforesaid was made this day before mee, the underwritten Mayor of the City of Philadelphia. In Testimony whereof I have caused the Seal of the Said City to be hereunto affixed, this twelfth day of July, Anno Dom. 1733.

SAM. HASELL, [L. s.]

May^r.

DEPOSITION CORNELIUS COMAGES, 1733.

[No. IV.]

Pensylvania, ss.

The Information of Cornelius Comages, aged about twenty three years, taken before Andrew Cornish & Tobias Hendricks, Esq^{rs}, two of his Maj'ties Justices of the peace for the County of Lancaster.

This Inform^t being duly Sworn on the holy Evangelists of Al^m mighty God, & Examined, Deposeth & Saith, that he, this Inform^t

hath been for these four months last past, and Still Continues a Domestick Servant to Thomas Cresop, liveing on the West side of Susquehana, at the landing place of the Ferry boat, Opposite to the blue Rock, in or neare Pensylvania as Dep^t believes. He further Deposeth that some time in the month of November last past, and neare the latter end thereof, this Depon^ts s^d Master, Thom^s Cresop, came home to his house, and in the presence of this Depon^t told Severall of his, the s^d Cresop's friends, (who were then playing at Cards in s^d house,) that he, the s^d Cresop, had killed two Bucks & two Doe's, whereupon Jacob Harrington, one of the Company, asked s^d Cresop, had he been amongst James Patterson's horses, to which s^d made answer, yes, and that he had saved Patterson the trouble of keeping four of them the Ensuing Winter; and the s^d Cresop then publickly declared that he would kill more of s^d Patterson's Creatures, if it cost him more than they were worth in Powder & ball. This Inform^t further Deposeth, that he afterwards saw Eight of the s^d Patterson's horses & Mares lying Dead, all within a Mile, and Some very near the s^d Cresop's house, which this Inform^t Verilly believes and is allmost Asured, were killed by the s^d Cresop, Or by his Procurement; and that the s^d Cresop's reason for so doing was that he apprehended he lived in the Jurisdiction of Maryland, and that s^d horses had no right to be there, neither was he Accountable to any in Pensylvania for so doing, & further Saith not.

his
CORNELIUS ✕ COMAGES.
mark.

Jurat cor nobis apud Lancaster,
Secundo Die, April, 1733.

ANDREW CORNISH,
TOBIAS HENDRICKS.

DEPOSITION RICHARD ASHTON, 1733.

[No. V.]

Pensylvania, ss.

The Examination of Richard Ashton, taken before Andrew Cornish & Tobias Hendricks, Esq^{rs}., two of his Maj'ties Justices of the peace for the County of Lancaster.

This Exam^t being duly sworn on the holy Evangetists of Almighty God, & Exam^d, Saith, that on the fifth day of this Instant, Aprill, he, this Exam^t, was sent by his Master, James Patterson, to Seek for his s^d Master's horses, which were on the West side of Susquehana, opposite the blue Rock, neare the Place where one Thomas

Cresop now Dwells. He further Deposeth, that one James Hendricks, together with this Dep^t, went over the same day In a Cannow to the landing place near s^d Cresop's house, pursuant to his s^d Master's orders, & Soon after they came on Shore, the s^d James Hendricks, (after haveing some Discourse wth s^d Cresop,) came & told to this Dep^t that s^d Cresop intended to take this Dep^t as his prisoner & keep him there, but for what Cause this Dep^t know's not. This Dep^t further Saith, that on Account of the barbarous treatment this Dep^{ts} s^d Master, Ja^s Patterson, had rec^d before from s^d Cresop, as also the s^d Cresop's frequent Mennaces & threats, he, this Dep^t, was terrified to betake himselfe back to the Cannow in w^{ch} he came, in order to Escape the rage of s^d Cresop, whereupon the s^d Cresop & three other p^{sons} pursued this Dep^t & assaulted him in a Violent manner, and brought him, this Dep^t, back to the s^d Cresop's house, where they tyed this Dep^{ts} hands & feet with a Strong rope, & kept him Close Prisoner untill next morning, & then sett Dep^t at liberty, & further saith not.

his
 RICH^d. R A ASHTON.
 mark.

Jurat cor nobis Septimo die,
 April, 1733.

ANDREW CORNISH,
 TOBIAS HENDRICKS.

[No. VI.]

Pensylvania, ss.

The Examination of James Hendricks, taken before Andrew Cornish & Tobias Hendricks, Esq^{rs}, two of his Maj^{ties} Justices of the peace for the County of Lancaster.

This Exam^t being duly sworn on the holy Evangelists of Almighty God, & Exam^d, Saith, that on the fifth day of this Instant, Aprill, he, this Dep^t, was Sent by James Patterson to Assist one Rich^d Ashton to bring s^d Patterson's horses from the West side of Susquehana, home to s^d Patterson. Dep^t further saith, that as soon as he, this Dep^t, & s^d Ashton, arrived in a Cannow at the landing place, opposite the blue Rock, neare Thom^s Cresop's house, the s^d Cresop told this Dep^t that he, the s^d Cresop, would take the s^d Ashton as his prisoner before he return'd; Upon which this Dep^t Inform'd s^d Ashton of s^d Cresop's Intentions, and the s^d Ashton soon after attempting to Escape in s^d Cannow, was pursued by s^d Cresop & others, and being likely to gett off had not this Dep^t Called him back, the s^d Cresop told this Dep^t that if he, this Dep^t, had assisted s^d Ashton to Escape, he, the s^d Cresop, would keep this Dep^t as his prisoner for

so Doeing, or words to that Effect. He further saith, that the s^d Cresop Assaulted & beat the s^d Ashton Violently, and this Dep^t dared not assist s^d Ashton, least he should be likewise made a prisoner, & further Saith not.

his
JAMES I H HENDRICKS.
mark.

Jurat cor nobis Septimo die,
April, 1733.

ANDREW CORNISH,
TOBIAS HENDRICKS.

DEPOSITION OF WILLIAM DOUGHERTY, 1733.

The Deposition of William Daugharty taken before John Housman, Esq., one of his Majesty's Justices of peace in ye County of Kent on Delaware.

William Daugharty aged Forty-six years or thereabouts, being sworn on ye Evangelist of Almighty God, Saith y^t on Tuesday ye second day of April last, hearing his son in Law Samuel Monsie was decoyed out of this county into Dorsett County, Maryland, by Jacob Hinman, under Sherief of same county, & Two other men, viz. Peter Rich & William Underlin, of said County, & y^t he heard his son was taken down to Cambridge Goal; upon which he this deponent with said Monsie's wife went down to Cambridge Goal on ye fifth of same Month, to know ye cause of his commitment, & to carry him some Cloaths & other necessarys to support him; at which time he this deponent found his son in Law Samuel Monsie in said Goal hand Cuffed with Irons, which this deponent saith prevented his putting on Cloaths yⁿ very necessary, & y^t John Cullings, who was yⁿ Goaler, would not allow him, This deponent, To have any converse with his son in Law, but when he was present, & would not allow him this deponent to goe further yⁿ ye entrance of ye Doors, & further this deponent Saith y^t his son in Law Samuel Monsie yⁿ complained much of y^t ye Irons very much hurt him, Especially his Right Arm, & yⁿ this deponent requested said Cullings, Goaler, To Take those Irons off, & to putt on Bigger for Monsie's Ease, & y^t said Cullin replied Itt did not Lye in his power to take y^m off, untill he had orders from Mr. Tripp, ye high Sherief, & further Saith not.

his
WILLIAM ✕ DAUGHARTY.
mark.

Kent Co Delaware.

Jurat Coram Me, August ye 24, 1733.

JNO. HOUSMAN.

KENT SUR DELL, ss.—These are to Certify all persons whom it doth or May concerne, that ye above named John Housman, Esq., before whom the above Deposition was taken, is now and was at the Time of the taking thereof one of his Maties. Justices of the peace for the County of Kent on Delaware.

In Testimony whereof I have hereunto set my Hand and affixed the Seal of the s^d County of Kent at Dover Town, ye 24th day of August, Anno Dom. 1733.

[SEAL.]

BENJAMIN SHURMER,

Prota. De Com. Cad. Sup Dict.

DEPOSITION SAML. MONCEY, 1733.

Samuel Moncey of Murther Kill Hundred in the County of Kent, on Delaware, Planter, being solemnly sworn on the holy Evangelists maketh oath. That on the second Day of April last, three Persons to this Deponent then unknown, but whose names he has since been informed are Jacob Heynman, Peter Rich & William Underling, came to his House about the time of the Sun's setting, told him they had mistook their Road; desir'd him to go a mile or two with them to set them right, & promised him a Pistol for his Trouble; whereupon this Deponent agreed to go; But when He had rode about a mile with them, instead of performing their Promise, they violently seiz'd upon him, & carried him by Force to Cambridge Goal in the County of Dorset, in the Province of Maryland, which is about eighty miles from this Deponent's House, & would not suffer him to eat or drink on the Road, tho' they themselves did. As soon as this Deponent arriv'd there, which was about one of the Clock after noon the next Day, (having rode all night.) He was put in Irons & detain'd there one Week; after which he was carried to Annapolis & put into Goal there among the Criminals that were confin'd for House breaking and coining of Money; allow'd nothing but the bare Ground to lye on, and loaded with more Irons than He had at Cambridge, which were continued upon him untill He was bailed out, which was not 'till after He had been imprisoned there six Weeks and three Days. And this Deponent further sayeth that He was allowed only such coarse & scanty Provisison, that had it not been for the Kindness of Charles Carrol, Esqr., He believes He should have been almost starved. And further this Deponent sayeth that neither before his Confinement in Cambridge Goal, nor on his Removal thence to Annapolis & Confinement there, was He ever examined touching any Facts laid to his Charge, nor was He ever made acquainted with the Cause of his Commitment, or saw any Warrant or Precept for it. And further this Deponent sayeth not.

SAMUEL MONCEY.

Which affidavit aforesaid was made at Philadelphia this Thirty-first Day of August, Anno Dom. 1733, before me the under written Mayor of the said City. In Testimony whereof, I have hereunto set my Hand and caused the Seal of the said City to be hereunto affixed.

[SEAL.]

SAML. HASELL, May^r.

AUTHENTICATION OF DEPOSITIONS, 1733.

Pennsylvania.

PATRICK GORDON, Esq^r., Lieut Govern^r of the Province of Pennsylvania & Counties of New Castle, Kent & Sussex, on Delaware, To all to whom these presents Shall come, sends Greeting :

Know ye, that Sam^l Hasell, Esq^r., before whom the Affidavits of John Georges & Robert Charles, touching the Copys of the two annexed Affidavits, was taken, is Mayor of the City of Philadelphia, to whom all due Faith and Credit is & ought to be Given.

That John Housman, Esq^r., before whom the Affidavit of William Daugharty, certified under the Seal of the County of Kent on Delaware, of which N. 1 is a Copy, was taken, is one of His Mat^ys Justices of the Peace for the Said County, to whom in like manner all due Faith & Credit is & ought to be given.

And that the Affidavit of Sam^l Moncey, whereof No. 2 is a Copy, was taken before the Said Mayor, and is certified by him under the Seal of the City aforesaid.

In Testimony whereof, I have caused the Great Seal of the said Province to be hereunto affixed. Given under my hand, at Philad^{ia}, the first day of September, in the Seventh Year of the Reign of our Sovereign Lord George the Second over Great Britain France & Ireland, King, &c., Annoq. Dom., 1733.

John Georges, Secretary to the Proprietors of the Province of Pennsylvania, &c., and Rob^t Charles, Secretary to the Lieut Governor of the said Province, being Solemnly Sworn on the Holy Evangelists, make Oath, that they have well and faithfully compared the hereunto annexed Copies of two Affidavits, the one taken before one of his Majestys Justices of the Peace for the County of Kent on Delaware, and the other before the Mayor of the City of Philadelphia, with the Original Affidavits, and do find the same to agree.

SAMUEL HASELL, Esq^r., Mayor of the City of Philad^{ia},

To all to whom these presents shall come, Sends Greeting,

Know ye, that the above Affidavit of Jn^o. Georges & Robert Charles, touching the annexed Copies of two Affidavits, was this Day taken before me. In Testimony whereof, I have hereunto Set my

Hand and caused the Seal of ye said City to be likewise affixed, this first day of September, Annoq Dom., 1733.

Indorsed—"Certif^t touching the Affid^{ts} of Sam^l Mönsey & W^m. Daugharty."

LETTER—GREENWICH HOSPITAL TO GOV., 1733.

Receiver's Office for Greenwich Hosp., on Tower Hill, }
26 9ber, 1733. *}*

Sir;

This waites on your Excellency with our thanks for your favour of the 6th August, acquainting us with your having appointed Mr. Charles to collect this Duty in the room of Mr. Moore, Deceased, at w^{ch} time we also rec'd one from him with his Acc^{ts} to Midsum^r last, desiring to be excused from doing it any longer: but we suppose, that before this reaches Pennsylvania, that Mr. Bedford, who is gone over Collector of the Customs, & our Deputy, in July last, will have eased him of that trouble, & taken into his hands the Papers & Books relating to this duty. Therefore, we are by this to make our acknowledgments for your care of this Charitable Duty, & desire you will give your protection & Countenance to Mr. Bedford, our present Receiver. We, are with all possible respect,

Sir,

Your Excellency's

Most humble & most Obedient Servants,

W. YOUNG,
W^m. ALLIX.

H. Ex. Patrick Gordon, Esqr., His Maj^s
Governor of Pensilvania, in
America.

GOV. OGLE TO GOV. GORDON, 1733.

Sir:

I take this first opportunity, since I heard of your Return to thank you for the favour of your Letter of the 18 of Octo^r, and at the same time to congratulate you upon your Safe arrival at Phyladelphia, after a jorney that must have been both tedious and dangerous, considering the Season of the year. I wish you may long enjoy your new Commission with health and every thing else that may make your Governm^t as easy and agreeable to you as possible. The unhappy Disputes that have been, and may still arise, about the

Bounds of the two Provinces, I assure you, shall never lessen the Regard I have for Mr. Gordon, and even those I can't but still hope may be ended soon to all our Satisfaction; in the mean time, I remain, with great Sincerity,

Sir,

Your most Obedient,

humble Servant,

SAM : OGLE.

Annapolis, Sec^r 24th, 1733.

Direction.

"To The Hon^{ble} Patrick Gordon, Esq^r.,
 "Govern^r of Pensilvania,
 "at Phyladelphia."

DEED FOR SETTLEMENT OF LANDS AT TULPEHOCKEN, &c.

TO ALL PEOPLE, to whom those presents shall come : Charles Fell of London, Gentleman, and Gulielma Maria his wife, and also William Penn of London, Esquire, SEND GREETING : WHEREAS by Indentures of Lease and Release, bearing date respectively, on or about the Eleventh & Twelfth days of October, which was in the year of our Lord One thousand seven hundred thirty and one, the Release being Tripartite, and made or mentioned to be made between John Penn, Thomas Penn and Richard Penn, true and absolute proprietarys of the Province of Pensilvania and Countys of New Castle, Kent and Sussex, in America, of the first part, the said Charles Fell and Gulielma Maria his wife, of the second part, and the said William Penn and Robert Wilkes of the Parish of Saint Pauls, Covent Garden, in the County of Middlesex, Esquire, (who is since deceased) and Mary Frances Shaw of the said Parish of Saint Pauls, Covent Garden, Widow, of the third part, The said John Penn, Thomas Penn, Charles Fell, and Gulielma Maria his wife, and Richard Penn, Did grant, bargain, sell, alien, remise, release and confirm unto the said William Penn, Robert Wilkes and Mary Frances Shaw, their Heirs and Assigns, All that Tract and Ten thousand Acres of Land in the said Province of Pensilvania, surveyed by John Taylor, for the said Gulielma Maria, on or about the second day of November, which was in the Year of our Lord One thousand seven hundred twenty and seven, and in the said Indenture of Release described in the following manner, (that is to say) A Certain Tract of Land, scituate on the Branches of Tulpehocken Creek, in the County of Chester, in the said Province of Pensilvania, begining at a Corner markt Black Oak standing on

the Top of a Hill on the South side of the Main branch of the said Tulpehoccon Creek, and on the East side of a Run called Hansmoor's run; thence North Thirty Degrees Easterly, crossing the said Branch Eight hundred seventy and two perches to a white Oak; thence West by North One hundred and Thirty perches to a black Oak; thence North thirty-two Degrees Westerly, crossing a Run called Martin Sharva's Run, two hundred perches to a post near a Marked White Oak; thence South Eighty Degrees Westerly Two thousand one hundred and forty perches to a Hickory; thence South West two hundred Eighty and Six perches to a small black Oak; thence South Crossing the aforesaid Main branch, three hundred and seventy perches to a white Oak; thence East by South two hundred Fifty and Six perches to a Hickory; thence East four hundred and seventy perches to a white Oak; thence North Sixty-five Degrees Easterly, three hundred and twenty perches to a Hickory; thence East by North two hundred and fourteen perches to a white Oak; thence North seventy Degrees Easterly Two hundred and forty perches to a small White Oak; thence East by South four hundred and eighty perches to a white Oak; thence South fifty-five Degrees Easterly two hundred thirty & five perches to the place of beginning: containing Ten thousand Acres, And all and all manner of Franchises, Royaltys, Rights, Privileges, Liberty, Imunitys and Appurtenances whatsoever thereto belonging or appertaining. To hold unto the said William Penn, Robert Wilkes and Mary Frances Shaw, their Heirs and Assigns, To the use of the said Charles Fell and Gulielma Maria his wife, for and during the Term of their natural Lives and the life of the longest Liver of them, And from and after their Decease Then to the Children of the said Charles Fell, begotten and to be begotten of the body of the said Gulielma Maria, and their Heirs and Assigns forever, as Tenants in Comon, and not as Joynt Tenants, Under a Provisoe and Agreement in the said Indenture of Release declared and contained, That it should and might be lawful to and for the said Charles Fell and Gulielma Maria his wife, at any time or times thereafter, And to and for the survivor of them at any time or times, (so as he or she had the Consent of the said William Penn, Robert Wilkes and Mary Frances Shaw, or of the Survivors or Survivor of them, or of the Heirs of such Survivor,) by any Deed or Deeds in Writing under their or his or her Hand and Seal, duely to be Executed, to alter or make void all or any the Uses therein before mentioned and declared touching the said premises, and to make, appoint, Limitt and declare any New or other Uses or Conveyances concerning the same, premises or any part thereof, As by the said recited Indentures of Lease and Release, relation being thereunto respectively had may fully appear. AND WHEREAS, the said Charles Fell and Gulielma Maria his wife, and her Children by him are all settled, and do reside altogether in the Kingdom of Great Britain, and have no Intentions at present to go to or settle in the said Province of Pensil-

vania, where the said Lands lay. AND WHEREAS, there have been some good and advantagious offers made by sundry persons of the said Province to buy or purchase the said Lands, or some parts thereof, or some Estates or Interests therein, whereupon the said Gulielma Maria Fell, (whose Estate and Inheritance the same are,) and the said Charles Fell, her Husband, have judged it to be for the Interest of her and her Children, by the said Charles Fell, that the said Lands, or so many of the same as may be should be sold; And that in Order thereto, the Uses concerning the same declared by the said recited Indenture, Tripartite should be altered and made void as hereinafter mentioned, (the provisoe for that purpose having been incerted in the said recited Indenture, Tripartite of Release with this particular View, amongst others, that the said Lands should be sold if a Convenient Opportunity offer'd). But nevertheless, it is the Intention of the said Charles Fell and Gulielma Maria his wife, that such of the said Lands as shall not be sold, but shall remain unsold, And also the principal produce of such of the said Lands as shall be sold, together with the profitts, Interest and proceeds thereof, (after reasonable charges thereout deducted) shall be a Provision for and secured effectually to the persons hereinafter mentioned and designed. Now KNOW YEE, that the said Charles Fell and Gulielma Maria his wife, in pursuance of such their Intentions, and in vertue of all Rights, Authoritys and powers, them hereunto Authorizing, Do and each of them Doth by this present Deed in Writing, under their respective hands and seals, duly executed, alter and make void, All and every the Uses in the said Indenture, Tripartite of Release mentioned and declared, touching the said Ten thousand Acres of Land and premises, and every part thereof, And Do, and each of them DOTH make, appoint, limitt and declare this New and other Use concerning the same Lands and premises, and every part thereof, that is to say, That all the said Tract of Land and premises shall, from henceforth forever hereafter, be and remain to, and to the only Use and behoof of the said William Penn, and of the Honourable Thomas Penn, Esquire, one of the said Proprietors of the said Province of Pensilvania, their Heirs and Assigns for ever. AND KNOW YEE ALSO, that the said Charles Fell and Gulielma Maria his wife, for the further and better carrying their s^d Intencons into Execution; And also the said William Penn, at their desire and request, testified by their sealing and executeing these presents, Do and each of them DOTH hereby fully Authorize, empower and desire the said Thomas Penn, as their Attorney, and for them and in their name and right, or otherwise, to Contract for, demise, bargain, sell, assign or convey, All and every or any part or parts of the said Ten thousand Acres of Land and premises, either in Fee Simple or for any lesser Estates, Terms or Interests as he shall see proper, discharged of all and all maner of Trusts and Uses concerning the same, unto any person or persons whatsoever, for and upon the best prices, Terms and Conditions

that may be obtained for the same, either Reserving or not Reserving any Rents, Quittrents or Services thereout or therefrom, as to him shall seem meet, And to take such Security or Securitys from the purchasers for their purchase or Consideracon, monys, or any part or parts thereof as he shall see proper; And in Case any Rents, Quitt Rents or Services shall be reserved on any such Sale or Sales, then to sell, convey away and dispose of all such Rents, Quitt rents and Services to or in Trust for, or to the Use of himself and the other proprietors of Pensilvania, or others, for and upon the best Terms and Conditions to be obtained, And to execute, acknowledge, inroll and record all proper Deeds and Instruments for any and every the purposes aforesaid as to him shall seem meet, And to do all other lawful and necessary Acts whatsoever relateing to the premises, (nothing excepted) as fully and effectually to all Intents and purposes whatsoever, as the said Charles Fell and Gulielma Maria his wife, and William Penn, might or could themselves do if personally present along with the said Thomas Penn, The said Charles Fell and Gulielma Maria his wife, and the s^d William Penn hereby granting and comitting unto the s^d Thomas Penn, their full and whole power and Authority in the premises, and promising to ratify & confirm, and to hold for good, firm, valid & effectual, All that the s^d Thomas Penn, or any substitute under him (whom he has hereby power to appoint & revoke from time to time,) shall lawfully do or cause to be done in the premises by virtue of these presents, And the s^d Charles Fell & Gulielma Maria his wife, Do and each of them hereby DOTH Declare, Direct and Agree the following Trusts and Confidences of and concerning the s^d Ten thousand Acres of Land, and every part thereof, until the same shall be sold; And also, of & concerning the principal purchase monys for the same, & for the Rents, Quitt Rents, & services to be issuing thereout, And likewise of & concerning all Rents, Interest, Mony, profitts & proceeds of the s^d Land & mony, that is to say, That as to all & every part of the s^d Ten thousand Acres of Land, (until the Inheritance thereof respectively shall be sold away, pursuant to the Intencons of the partys,) the s^d William Penn & Thomas Penn, their Heirs & Assigns, shall stand seized thereof In Trust for the s^d Gulielma Maria Fell, during the Term of her natural Life, And from and immediately after her decease, In Trust for such, or so many, or all of her Children, by the s^d Charles Fell, or their Issue, as shall be then living, & that in such shares, distribucons & proporecons respectively, & for such Estates & Interests as she alone, & without her present or any after taken Husband, By any Deed, Will or Instrument in Writing, to be by her signed, sealed & delivered, in the presence of three or more Credible Witnesses, shall from time to time think fitt to direct, limitt & appoint such Appointments, to be revocable from time to time as she shall see cause; And for want of such Direction, Limitation & Appointment, Then immediately upon and after the decease of the s^d Gulielma

Maria Fell, In Trust for all & every the Children & Child, Sons & Daughters of the s^d Gulielma Maria Fell, by the said Charles Fell, to be then living, & their several & respective Heirs & Assigns for ever, in equal shares and proportions, as Tenants in Comon & not as Joynt Tenants : Provided always, that in case of no such Appointment, & that any one or more of the Children of the s^d Gulielma Maria by the s^d Charles Fell, should be then dead, leaving Issue who shall be then alive, Then all the Children of each such dying Child shall be entitled (equally amongst them) to the like share, Estate and proportion as the parent would have been entitled to if living; And in case no one Child, Son or Daughter of the s^d Gulielma Maria, by the s^d Charles Fell, shall happen to survive the s^d Gulielma Maria Fell, nor any Issue of any Child of the s^d Gulielma Maria, by the s^d Charles Fell neither, then in Trust for William Penn Thomas, (the eldest son of the s^d Gulielma Maria, by her former Husband) and the Heirs & Assigns of the s^d William Penn Thomas forever, and in case he, the s^d William Penn Thomas should also be dead, without leaving any Child liveing at the decease of the s^d Gulielma Maria Fell, Then in Trust for the right Heirs of the s^d Gulielma Maria Fell for ever. And as to all & every part of the principal Monys which shall arise by the sale and for the purchase of the s^d Lands, or for the purchase of any Rents, Quitt Rents or Services, to be reserved or made payable, or to Issue thereout. The s^d William Penn and Thomas Penn, their Heirs, Executors, Administrators & Assigns, shall stand seized & possess thereof in Trust, not to pay over the same to the said Gulielma Maria Fell, whether sole or married, but to lend or lay out the same, either on Securitys in Pensilvania, Or on purchases or Securitys in great Britain, as to them shall seem meet, in their or either of their own, or in such other person or persons, Name or Names, as they shall think fitt, or from time to time to take & receive in, & again to replace out the same, to be a lasting provision, by the Interest & Income thereof, for the sole benefit of the s^d Gulielma Maria during the Term of her natural life, and immediately after her Death the whole principal & Interest or proceed, thenceforth to accrew due, to belong to the same person and persons & no others, & in the like shares & proportions as the s^d Lands till sold, or which shall not be sold, or here as before by this present Instrument, limited, appointed or intended to go & belong; Nevertheless, the first five hundred pounds sterling, that shall be raised by sale of any of the s^d Lands shall be remitted to Great Britain, to be placed out upon some Funds or Securitys in that Kingdom—And as to all & every Rents, Interest mony, yearly profitts & proceeds of the s^d Lands, & of the mony & Securitys to arise by sale of the same, or of any thing issuing or to Issue thereout or relateing thereto, or the proceed thereof Upon Trust, to pay the same from time to time during the natural Life of the s^d Gulielma Maria Fell into her own proper hands, & for her own sole and separate Use & benefit with which her present

or any aftertaken Husband shall not intermeddle, nor shall the same be subject to his Controul, Debts or Engagements, (if any such there should be) nor shall his Receipt but hers only, be good for the same. And from and imediately after her Decease, the s^d Rents & Interest mony shall go & belong, & be payd, Assigned & transferred to the same person or persons & no others, & in the like shares and proportions as the s^d Lands themselves till sold, or which shall not be sold, are herein before by this p'sent Instrument, limited, appointed or intended to go & belong, according to the true intent and meaning of those p'sons: Provided always, That it shall & may be lawful to & for the s^d Gulielma Maria Fell alone, at any time or times and from time to time during her natural life, by any Instrument or Deed under her hand and seal, Attested by three or more Credible Witnesses, to direct & appoint Any sum or sums of mony, part of the principal Mony which shall arise by such intended sales, (but not to Exceed the Sum of Five hundred pounds Sterling in the whole, to be lent or payd to or for the s^d Charles Fell, upon his Bond or other Security or otherwise, as she shall see cause direct, And then the s^d Trustees shall, accordingly, so soon as the same can be conveniently raised, lend or pay the same accordingly, Any thing herein before contained to the Contrary thereof in any wise Notwithstanding: Provided also, That it shall and may be lawful to & for the s^d Gulielma Maria Fell alone, at any time or times & from time to time during her natural Life, by any Instrument or Deed, under her hand and seal, attested by three or more credible Witnesses, to direct, limitt & appoint (& from time to time to revoke such Appointments & again appoint) the whole Rents & profits of the s^d Lands, & the whole Interest & proceeds of the s^d Mony & Securitys, or any part or parts of them, or either of them, to & for the benefit of the s^d Charles Fell, to take place imediately after the Decease of the s^d Gulielma Maria Fell, and to Continue for his benefit during such time only as the s^d Charles Fell shall live & also remain a Widower & unmarried, to any other woman, or for any shorter or less (but for no greater) space of time or continuance, This present Instrument, or any clause, matter or thing herein before Contained to the contrary thereof in any wise Notwithstanding: Provided furthermore, That the s^d William Penn & Thomas Penn shall be answerable, each one for himself & for his own Acts, Deeds & Receipts only, & not the one for the other of them. Nor shall the s^d Trustees or either of them be Answerable for any Casualty or Involuntary Losses, nor for the default of any person or persons whatsoever, to be in any sort Employed by or under them or either of them, in the Execution of the s^d Trusts: Provided Lastly, That the s^d Trustees shall & may from time to time retain & deduct in their own hands their costs, charges & Expenses, in the Execution of the Trusts reposed in them. IN WITNESS whereof, the s^d Charles Fell & Gulielma Maria his wife, & William Penn, have hereunto sett their Hands & Seals, this third day of January, in the Seventh Year

of the Reign of our Sovereign Lord George the Second, by the Grace of God of Great Britain, France & Ireland, King, Defender of the Faith and so forth, And in the Year of our Lord One thousand seven hundred thirty and three.

CHARLES FELL, [L. S.]
GULIELMA MARIA FELL, [L. S.]
WM. PENN, [L. S.]

Signed, Sealed and Delivered by the
within named Charles Fell, Gu-
lielma Maria his wife, and Wil-
liam Penn, in the presence of

FERD. JOHN PARIS,
JNO. DRAKE.

Be it Remembered, That on the third day of January, in the Seventh Year of the Reign of our Sovereign Lord George the Second King of Great Britain, and so forth, personally came and appeared in the King's Majesty's Court holden before me, Sir William Billers, Knight Lord Mayor of the City of London, and the Aldermen of the same City, in the Chamber of the Guildhall of the said City, the within named Charles Fell and Gulielma Maria his wife, and William Penn, and did then and there severally own and acknowledge this present Deed to be their Free and Voluntary Act and Deed; And the said Gulielma Maria being by me the said Lord Mayor, Solely and Privately Examined apart from her said Husband, did declare her free and Voluntary Consent to the said Deed, and that she had Executed the same without Threats, Fear or Force of her said Husband, or any other Person. In Testimony whereof, I, the said Lord Mayor, have subscribed my Name, the Day and Year above written.

WM. BILLERS, Mayor.

Entered in the Office for recording of Deeds for y^e City and County of Philadelphia, in Book D. 2, Vol. 2, page 148, &c., the 2^d Day of January, A^o Dⁱ, 1735. Witness my Hand and Seal of my Office, y^e Day and Year abov'd.

C. BROCKDEN, Rec^{dr}.

SAMUEL BLUNSTON TO GOV. PENN, 1734.

Esteemed friend :

Upon Information that Cressop and Several of his hands were to be at John Hendricks' Yesterday, to proceed in the work they had begun, (to wit: Squareing Logs for a house and building a flatt for the ferry,) John Wright & Edward Smout, who was Qualified

on the Occasion, went over accompanied by the Sheriff, Emerson, & three or four others with Intent to proceed against them, (if there,) according to the Directions given for forceable Entry, &c. But the Sheriff having been over the Day before on Some other Business, which Cressop hearing, and being Jealous it was Intended against him, Sent his wife and the workmen, but came not himself, waiting not far from home for more Certain Intelligence. Upon the Magistrates & Sheriff's landing, Cressop's wife took horse & rode away full speed, and the workmen with their Axes, Apprehensive of their Intention, began to withdraw & Separate, Of whom, upon the Complaint & Evidence of John Hendricks, they Seized Eight, viz: Michael Risener, John Baston Bower, Phillip Yeager, Anthony Bancuff, George Shoulder, Enoch Vanlevre, Leonard Musser and Emanuel Jones, whom they brought over & Committed to Gaol, And thinking that upon the return of Cressop's wife with the News, he would raise forces to rescue his Tenants, Or if they were gone, wou^d attempt Some Mischief on Hendricks' family, Therefore Left a Warrant with the people who remained, that in Case he shou^d Come, as Expected, they might Apprehend him, with Strict orders to use as little Violence as possible, And not to go from the place. But unhappily, a man of Emerson's, being one who Remained, perswaded the rest that he had orders from his master to go Down to Cressop's & take him at his house or wherever they found him, for which they were to have 50th. reward, (but we hope Emerson had more Discretion.) Accordingly Seven of them, All strangers Except his man, went down in the night to Cressop's, who, with Eight or Ten men armed, were on their Guard in the House and had fastened the Door. Emerson's man going rudely to the Door & Demanding to be let in, was Shot in the Leg through a Crack of the Door, and there Lay till Morning, and Almost Bled to Death, the rest returned without Doing or receiving any other harm than Broken heads with Homeny Pestils.

We are Extremely Concerned at this Rash & Indiscreet procedure, And not Knowing what Use might be made of it, was willing to let thee have Notice as Soon as possible, ffor we hear Cressop set out this Morning for Maryland, and will Doubtless give a relation far beyond the truth, And 'tis possible the Gov^r of Maryland may write up to our Gov^r about it.

Pray Don't fail to let us hear from thee at our Court, for we Seem to be much at Loss how to proceed Against those we have taken, as well as what to think of the Madness of the other.

I am, with Sincere Respects,

thy assured friend,

SA. BLUNSTON.

Hempfield, Jan'y, ye 30th, 1733-4.

P. S.—Possibly there may be an opportunity to Send up by Some Lawyer.

Direction.

“To the Hon^{ble} Thomas Penn, Esq^r,
“att Philadelphia.”

DEPOSITION OF WM. GLASSPILL, 1734.

Lancast^r, ss :

William Glasspill, late of the province of Maryland, aged about twenty-three years, being Sworn on the Holy Evangelists, &c., Says, that being a tenant to Thomas Cressop, at the house he had built on John Hendricks' Land, At the time when the Magistrates & Sher^f of Lancast^r County were at the s^d Hendricks', This Deponent Delivered up possession of the s^d House to the s^d Hendricks. And further, Says that in the Evening of the Same Day, being the 29th of January Last, After the Magistrates & Sher^f were returned, William Linvill & Knoles Daunt, Required this Deponent to go with them to take Tho. Crissop, Saying they had a Deputation Left with them for that purpose; And accordingly this Deponent & Six more, to wit: William Linvill, Knoles Daunt, James Warnock, John Nichols and Garrat Pendergrass, and a Stranger, to this Deponent Unknown, went Down to Crissop's, and not meeting him on the road, as they Expected, Two of the Comp^r Knock^d at the Door asking for Lodging, which Crissop refused Em & threatened to Shoot them If they did not Immediately depart. But William Linvill, through a Vacancy between the Logs, told Crissop he was come with a warrant or Power to Apprehend him. But that no hurt or Violence Shou^d be Used toward him if he Cou^d prevent it. In which time the afs^d Daunt, being at the Door, and pushing at it, as he believes, was Shot in the Leg by a Gun fired in the house under the Door. And this Deponent further Says, that Crissop bid them Look between the Logs and they might Se Eleven Guns more, which they shou^d have the Guts of if they Stayed there; Nevertheless, the Door being Deserted by those who held itt, after the gun was fired, Opened or was pushed open, and two of the Comp^r went in, but soon returned bruised & Bloody: this Deponent further Says, they afterwards requested a bit of Candle of Crissop's wife to Search ye s^d Daunt's wound, which She refused, Saying She had rather itt had been in his heart. So at the request of ye wounded man they Left him there & returned, and further Says not.*

The Substance of ye above was Sworn before EDWD. }
SMOUT, Esq^r, the 15th of Ffeb. 1733-4. }

* See Governor's Letter, Feb'y. 24, 1734, p. 414.

DEPOSITION OF MICHAEL DOOLING, 1734.

Lancast^r, ss :

The Examination of Michael Dooling, of the County of Lancaster, Labourer, aged about twenty-four years, taken before Edward Smout, Esq^r, one of His Majesty's Justices of the Peace for the s^d County.

This Exam^t being Duly Sworn on the Holy Evangelists of Almighty God & Examined, Saith, that on the twenty-ninth day of January Last past, about five of the clock in the Evening, One Martin Ffunk, a German, (So caled,) came to the blue rock in the Township of Hempfield, & County of Lancaster, & Desired to be ferried over the river Susquehannah to Thomas Cressop's; that this Exam^t being the person who attended the said ferry under John Emerson, his Master, took the said Martin Ffunk over, & got to s^d Cressop's House about night fall; that the s^d Ffunk being to return the next morning, He & this Exam^t Intended to stay all night at s^d Cressop's. This Exam^t further saith, that after they had been some Smal time in s^d Cressop's House, the s^d Cressop came in & asked this Exam^t How his Master (meaning John Emerson) did after his Journey; to which this Exam^t reply'd, that he was wel the morning before & went to Lancaster; upon which Cressop said he tho't Emerson had not been a Rogue like the rest of them, but hoped he should have fifty pounds for s^d Emerson's head as he was to have for Samuel Blunston's & the rest of the Rogues; to which this Exam^t replied, that he knew nothing of it; Whereupon the s^d Cressop said, that the Sherif & nineteen others had that day been up at the upper fferry at Jn^o Hendrick's, & had taken some of his (the s^d Cressop's) men away, but had hee been there they sh^e have had the guts of his Gun before they should take them; Adding that he had a right to the Land he Lived on, but that the People on the East Side of Susquehannah had no titles but what they got by Roguery. This Exam^t further Saith, that soon after about seven o'clock, (as near as this Exam^t can Compute,) they heard the noise of horses comeing towards the said House, whereupon Cressop Imediately took up his Gun, & the rest of the people in the s^d House (being about Seven or Eight, except the s^d Ffunk & this Exam^t) hasted to the door & put benches & other things against it to keep it fast; Upon which several people came to the s^d Door, & one or two of them asked for quarters & if Cressop was within; to which the s^d Cressop reply'd he would give them no quarters; whereupon one of the s^d Company out side the house desired Cressop to advance nearer to him, & Let him talk to him thro' the vacancy between the Logs of the house, which Cressop refused, adding, that he would shoot the first man that should come into the house; upon which one of the partys outside desired Cressop to open the Door, for he had something against him, but none should hurt him; to which Cressop answered, Keep off, for that he had Eleven guns, & bid them Look between the Logs & they might see them; this Exam^t further saith, that the s^d Cressop declared he had guns

Enough several times, & that he would give them the guts of them all, & that he had been in a worse Skirmish than that in Virginia, where he was attacked by Sixteen Men, & that he Killed one them with a Broad Axe; he further saith, that this Exam^t & the said Funk whom he Bro^t over, Stood all the time with their Backs to the fire, & the s^d Cressop & his Assistants Crowded Ab^t the door so that this Exam^t Could not distinguish by what means the door was raised or the Opening made, but this Exam^t saw the s^d Cressop put his Gun between the door & the Sill at the bottom & then shot off the Same & Instantly run back into a little room, upon which the Others who held the s^d Door quitted it, whereupon the door Opened, or was push'd Open, & one of the Company from without, Caled Garet Pendergrass, Entered thereat & followed the s^d Cressop into the back room, but was beaten back by s^d Cressop & his Assistants, as likewise was one Wm. Linvil, who Attempted the same, on which they both got out of the house again, & the s^d Cressop then nailed up the s^d Door: this Exam^t Saith, that soon after he heard the people from without ask for a bit of candle, for that one Knoles Daunt was shot, but they Absolutely refused to Let them have any, the s^d Cressop's wife declaring at the same time, that she would gladly wash her hands in s^d Daunt's heart's Blood; this Exam^t Saith, that hearing the s^d Daunt was shot, & not Knowing til then that he was Amongst them, the s^d Daunt being his fellow Servant, this Exam^t prevail'd with s^d Cressop to Let him Out through a private place Over a wal on the Back side of s^d house, & the s^d Ffunk along with this Exam^t; that when they came out they found the s^d Daunt Lyeing on his Back Bleeding & in a helpless Condition, being Shot in the Left Leg near the Knee, & the Bone all Crush'd & Broken; this Exam^t Saith, that after the Best Entreatys he could make to the s^d Cressop for aid to the s^d Daunt, in that Desprate Condition failed, he, this Exam^t, with the Assistance of the s^d Ffunk & another man, the rest of the Company being gone,) put the s^d Daunt into the Canoe & Brought him over the river to his Master's at the blue rock, & further Saith not.

MICHAEL DOOLING.

Jurat cor. me 15 die Ffeb. 9, 1733, }
EDWARD SMOUT. }

Indorsed.

Copy—Deposition of Michael Dooling.

GOV'R. OGLE TO GOV'R. GORDON, 1733-4.

Sir:

I received the favour of your Letter of the 8th of last month, which gave me a great deal of pleasure and Satisfaction, since, be-

sides the regard you were so kind to shew therein to my self, you expressed an Inclination to promote & cultivate that good understanding between the two Provinces, which is so essential to the happiness of both. This was the more wellcome to me, as it had allways been my constant aim and view, to prevent all disturbances as much as possible, having allways hopes that the quiet and peaceable behaviour of our people, would at last induce those under your Govern^t to follow their example; for this reason, notwithstanding the repeated violences committed against his Lordsp's Tenants on the Borders, I have given them frequent orders not to offer the least Injury to any person whatsoever, but only to defend themselves against any unjust attack which might be made upon them. And indeed, upon the exactest consideration of my own conduct, since I had the honour of the Govern^t of this Province, I can think of nothing relating to this matter, for which I can be more justly blamed than for that excess of moderation, which I have shewn upon all occasions of Complaint from our people; which, tho' it was well intended, I hear has been made use of as an argument by your people for new Riots & Disturbances, since they were so sure of committing them with Impunity. And this humour of rioting, has not only continued amongst your people where it began, but has likewise begun to infect a great many, who are without doubt, Inhabitants of Maryland: nay, some of them have carried their extravagancies so far as to declare, when they have been asked for their Levies, that they had no occasion to submit to the Govern^t of Maryland, for that they could bring the Indians down upon us when they pleased, and have even declared, that they only waited for their Return from hunting, and that then they would begin with us. These things are of such a dangerous nature that I should think my self wanting not only in what I owe to our L^a Proprietor, but in my Duty to his Majesty, if I did not take all methods in my power, to put a stop to the least beginnings of such dangerous commotions, therefore must take the Liberty of desiring your assistance, which I make no doubt of, from the kind assurances of your letter, and which I have the more reason to require at this time, there having been lately a Riot committed, more outrageous and illegal if possible, than any which happened before. The fact in short is this: a great number of people came over Susquehanna one day in last month, some of them the same day carried over to Goal several of his Lordships Tenants, under what Pretence I know not, but it was publicly given out to terrifie the rest in those parts, that every one who pretended to hold any land of his Lords'p should be served in the same way: the rest of those who came over staid behind, & about two hours within night, went to the house of Mr. Cressap, who you know is one of our magistrates, and with the utmost force and violence endeavoured to break in, & proceeded so far as to force the door of the hinges, when he in his defence fired upon them, & wounded one in the knee, of which wound I hear he is since dead, and what gives me the greatest concern is that these people

were headed when they came over the River, by two persons acting as magistrates under your Commission, Mr. Wright & Mr. Smout; for now that things are come that pass, that magistrates at the head of a Parcel of Desperate fellows, come out of one Province, & attack in the night time the house of a magistrate in another, where blood is shed, (and a great wonder it is that there was no more); no body can tell what dismal consequences may follow, if not prevented in time. Therefore, I hope you will shew that discountenance to your magistrates which may effectually discourage others from committing the like offences. I hear they say they came over with them indeed, staid a part of the day with them, but did not go with them to Mr. Cressap's house, where the assault was made, which is so very poor a Pretence, I shall not trouble you with an answer to it. If magistrates in either Province are suffered to lead people on to things of this nature, and get of themselves, by slipping away before the mischief begins, what confusion must follow, you will readily conceive. That you may be very well satisfied, I have the same real sense of the mischiefs, & sincere intention of remedying them, (as far as lies in my power,) which I recommend to you. I do assure you I have ordered Mr. Cressap, (by whose hand the death of the Person is supposed to have happened,) into the custody of the Sherif of Baltimore County, that he may be forth coming at the next assizes to be held for that County on the first Tuesday of next April, in order for his Tryal: and I hope for the Satisfaction of Justice you will give effectual orders to compell any witnesses under your protection to be at the assizes for the Discovery of truth; but whatever good effects we may hope for, from our mutual endeavours in our respective Govern^{ts} for the Suppression of future outrages, yet the excess to which the violences are at present carried, so as to occasion the death of one of his Majesty's subjects, makes the Royal care and interposition absolutely necessary; therefore, I am afraid we should but ill answer his Majesty's gracious approbation of us, if we neglect to take the most proper steps in laying before his Majesty the unsettled condition of our confines; and I think it is worth our consideration, how far both you and my self, may be thought accountable for any mischiefs which shall hereafter happen for want of his Majesty's Authority, should we defer making application to our Prop^{rs} on this head, and pressing them to procure his Majesty's directions herein. From his Majesty's known Goodness and Justice, we have the greatest reason to be assured of his immediate orders for preventing the consequences which must necessarily follow, from attempts of people resolved to do themselves (what they call) Justice. This matter is of so great importance to our Prop^{rs}, to our selves, and the people under our care, that as I doubt not of your concurrence with me, in opinion of the necessity of such application, so I most earnestly desire your immediate answer and Resolution of making it; that as friends and neighbours, we may forward the success of it. But if I should be so unfortunate as not to meet with

an equal readiness from you in this affair, I shall however have the comfort of thinking, that the countenancing of our Disturbances, will not be imputed to this Governm^t, and take great satisfaction in having made overtures for peace and Tranquility, becoming my Duty to his Majesty, my faithfulness to his Lords'p, and that constant friendship, which

I truly am sir,

Your most humble

& most obedient servant,

SAM. OGLE.

Annapolis, Feb. 24, 1733-4.

GOV'R. GORDON'S ANSWER TO GOV'R. OGLE, 1734.

Sir:

I received your Letter of the 24th ult., by the hands of the Bearer, and with very great Pleasure observed your kind & obliging manner of expressing the Satisfaction my last gave you, and your concurring with me in my Inclinations to promote & cultivate the good understanding between the two Provinces, which is undoubtedly, as you justly remark, essential to the Happiness of both. And as I cannot on my part, without a very sensible Satisfaction reflect on the good Agreement that subsisted between your two immediate Predecessors in the Government of Maryland & myself, notwithstanding the unsettled State of our Boundaries, which now and then would unavoidably occasion some little Ruffles amongst the discontented Borderers, but were almost as soon composed as understood by us, so on these open & frank Declarations on your part, I would willingly hope that by the same Inclinations, the like Effects might be produced. Thus certainly, we shall best answer, & make the most proper Returns for the Confidence His Majesty has graciously reposed in us, by inviolably, or to the utmost of our Power, preserving Peace between all His Subjects under our Care, which cannot as I conceive be practicable by any other means, than endeavouring as far as we can to remove all Causes of Contention, or when any arise, by the most amicable Methods to compose them, or when it becomes absolutely necessary, to cause Justice to be administered in the most equal, candid and impartial manner, that if any Person must unavoidably suffer, they may be clearly convinced it is owing solely to their own folly, and not to their Rulers. These measures will undoubtedly recommend us to our Superiors, and at this time particularly, it seems more immediately incumbent on us to preserve Friendship and a good Understanding amongst all His Majesty's

* See Governor Gordon's Answer, Letter, May 14, p. 427 See also, Col. Rec. vol. iii. p. 585.

Subjects, when we may be justly apprehensive of finding but too many Enemies abroad.

A Pursuit of these prudent and pacifick measures would render the Discharge of our respective Duties easy & pleasant to us, and therefore as I am heartily disposed to labour for this on my part, It is with a very deep Concern that I observe Complaints arising and multiplied, and that you seem to charge this Province with a prevailing humour to Rioting. I would here avoid speaking to the Points on which last year divers long Letters pass'd between my Lord Baltimore and myself, for we have Reason to believe the Subject of these may by this time have come under the Consideration of our Superiors, but the mention of what gave the true foundation for these last Complaints cannot be avoided. And this very plainly appears to be a late Design formed on the part of Maryland, even since the last solemn Agreement in May, 1732, between the Proprietaries for ascertaining the Boundaries was entered into, and at the very time when the Commissioners appointed for running the Lines agreed on were holding meetings for that purpose, to extend the Bounds of that Province, beyond all the Claims that have heretofore been made with any Colour of Right. But as the Powers of Government, must necessarily have some certain known Limits, otherwise all Borderers must live in great Confusion and Insecurity, and as the Inhabitants of this Province above 30 years since in the most peaceable manner, made their Settlements by the Boundary at Octarroe, fixed by the Lord Baltimore himself about 20 years before, so far have the Powers of this Government ever since extended and been duly administered by Magistrates regularly commissioned, and this without any Interruption that I know of from Maryland, on the east side of Susquehanna, tho' the Officers of that Province have now & then of later years, attempted to extend their Process in some few particular Cases somewhat further, and the few Ruffles or Contentions that ever happened there, arose I think solely on those occasions. But as even these few gave great Uneasiness to the Proprietors on both sides, they came mutually into an amicable agreement in 1724, that no Person should be disturbed on either side in any settlement they had made before that year for the space of 18 months, in which time it was hoped (as that Agreement expresses it,) the Boundaries would be determined and settled; from hence an indisputable Boundary for Government appeared to be fixed till a compleat Settlement of all Differences should be made, and tho' this was not done till May, 1732, when the Agreement before-mentioned was made, yet its Equity undoubtedly took place from the time it was known here, and even that Agreement according to the best of our knowledge of the Situation of those parts leaves Cressap's first Settlement over Susquehannah about 20 miles within the Province of Pennsylvania.

Now this being the Case, when his Neighbours the Lowe's had shott or otherwise killed, or made away with eight or ten horses of

one man, which for 16 years before had been always accustom'd to feed there in the Winter, and his Servant who was sent to look after them was grievously beat and abused; it is scarce possible to imagine how on his Complaint to the Magistrates of the County, so far within which the Place was known to lie, they could have even the least Shadow of Reason to suspect that their Authority or Warrant to apprehend the Persons guilty of the Assault and Battery on the Servant could be disputed or opposed. Yet, this is what you are pleased to call a Riot, which, whether it was such or not, may, as I have said, by this time have been considered elsewhere.

As to the present Complaint: I in the first place assure you that I never heard or knew of any one Step leading to it, till to my great trouble, I was informed of the unhappy Accident at Cressap's house, upon which I made the strictest Enquiry I possibly could into it, and find the fact to be thus:

John Hendricks had for several years past, & I think some years before any Settlement was attempted in those parts, on any pretence from Maryland, been seated on the west side of Susquehanna, about 4 or 5 miles higher up the River above those since made by Cressap and his Associates, and had obtained a Grant and Survey for the Lands on which he now dwells, & where he has lived peaceably, until Cressap took it into his head with divers others, to enter upon the Possession of Hendricks, and when they were desired to leave, the Place, and desist from these unlawful attempts, the Owner of the Land was insulted & menaced by Cressap, & such as he thought fit from time to time to encourage in these Proceedings. This occasioned a Complaint to our Magistrates, who took Care to have the best Council and Advice how to proceed, for the abuse appeared so flagrant, and the Consequences of such Encroachments so dangerous, that unless some legal measures were taken to redress such Injuries, no man could be secure in his Possessions. Accordingly two Magistrates went over with the Sheriff, & a proper Number of Assistants to remove the force, when they came on Hendricks's Land, they found eight Men at work, (whom I am sorry you should call his Lordship's Tenants,) falling and squaring his timber, and building a House within a 100 yards of Hendricks's Door, these they apprehended and took back with them, as they would also have done by Cressap had he been there. The Men were used civilly, and as fast as they could find Bail it was taken, so that they all in a few days were at Liberty, and at Court upon their Submission & acknowledging their Offence, without proceeding to lay a fine on each of them as by the Law, I am informed, is well warranted, they were discharged. Thus far I hope no Person living will be able to blame the Magistrates, or any others who joyned them. But on their leaving Hendricks's house, He & his Wife told the Magistrates, that if Cressap came there that night, they expected no other from the Violence of the man, but that he would certainly burn their house down, upon which Seven men were left to stay that night as a Guard, & to

apprehend Cressap if he came thither, these men I suppose gott Liquor, and solely of their own heads went down to Cressap's, but without any manner of Arms or Weapons, & behaved themselves imprudently and indiscreetly there. This action of theirs is acknowledged by all to have been without any Orders or Directions whatever. But the Brutality and Violence of Cressap in firing on them is notorious.

I am really troubled to find you saying in your Letter that I know Cressap is one of your magistrates, I assure you Sir I did not, I know he has generally been said to be such, yet I am told that one of your late Commissioners for the Lines, a person of Character, denied to another of ours, that he had any Commission to be a Magistrate, but had some Appointment from his Lordship in Relation to Lands which that Gentleman did not explain. From our Knowledge of him, we have no reason to consider him otherwise than an Incendiary, or publick Disturber of the Peace of both Governments, and the main cause and Promoter of all the late Contentions that have happened between us, and indeed the first placing of him there, has always appeared to us not easy to be accounted for.

Before I leave this head I cannot but express my wonder at what can be meant by that Expression in your Letter, where on the subject of what passed at Cressap's house, you are pleased to say, "for now that things are come to that pass that Magistrates at the head of a parcell of desperate fellows come out of one Province and attack in the night time the house of a Magistrate in another," for first noting that I have spoke to the Act of the Magistrates in this Affair, I cannot, I say, comprehend in what sense their going out of one Province into another is to be understood, for I never yet heard it alledged that Susquehaunah River was a Boundary between Maryland & Pennsylvania, nothing can be more certain than that their Boundary on the North of the one and South of the other must be a due East & West Line, and therefore the opposite parts of the shore of that River must necessarily be both in the same Province.

To what you are pleased to observe that the humour of rioting has begun to infect a great many who are without doubt Inhabitants of Maryland, and that some when called on for their Levies have seemed to threaten to bring down the Indians upon you, I can only say as to the Persons themselves if your Information be good, and they are undoubtedly Inhabitants of Maryland, you will very well know know to proceed with them, but if they are of Ours, as no Man can have a greater Abhorrence of such Practices or Menaces, I shall be ready with the greatest Zeal to make them sensible of their Error, And as this Government has with the utmost Care & at a large Expence, from time to time cultivated a friendship and entred into strict Alliances with all the several Nations of Indians about us, for strengthening not only our own, but the Interests of all His Majesty's Subjects in these parts, I promise you that no Endeavours will be wanting in this Government, to prevent any Disorders or

Mischief from those People, tho' I cannot but observe that Cressap's usage of them has been the most heinous & most provoking of any thing of the kind I have heard of in these parts since I came into America.

I am perswaded I need not give any Answer here to your Proposal that I should send down Evidences to the Trial of Cressap, at your next Assizes to be held for Baltimore County, for you cannot be unsensible that by such an Act I should acknowledge I neither have nor ever had any Business here, & indeed I must own that if the place of that fact, on the best Information I can have of it, be not in Pennsylvania as described in the Royal Grant for it, I should be at a loss to find any such Province.

But now to my great trouble I am to observe that 2 or 3 days after yours came to my hand, I received a melancholy Letter from John Hendricks before mentioned, and Joshua Minshal, dated from the Goal of Annapolis, with Copies, signed by your Sheriff, of their Committment by yourself and some Members of your Council, dated the 21st of last month, that is three days before the date of your Letter, and in these Committments I find the principal Allegations against them are, their having disparaged his Lordship's Title, that is, in other terms, as may well be supposed, that they asserted their Right to their own Settlements, under Pennsylvania, about ten Miles, by our Computation, more northerly than Philadelphia, where neither his Lordship nor any for him ever made (unless it be now done) any Claim whatsoever. We have also heard of the manner of taking them, viz., that the Sheriff of Baltimore County, with above twenty Men, armed with Guns, Pistols, Swords & Cutlasses, travelled up thither to apprehend two Men, who were quietly following their Business on their Plantations. 'Tis said also that this is done by way of Reprisal & to intimidate, that is because our Magistrates in a most peaceable and legal manner removed a Forc'd and most unjust Entry, you must make a Prisoner of the man upon whom that Force was committed, and over whom you can claim no manner of Right but what is founded on mere Will & Pleasure, and of another whose Name I never heard mentioned on any of these Occasions, save that Cressap once before sent him, only for his living at home, a Prisoner to the Sherif of Baltimore County, who would not receive him.

My Inclination to avoid saying anything disagreeable, forbids me to speak of these Proceedings in the manner I think they require. I shall therefore be sparing, and only say on the article of intimidating, that the Gentlemen of your Board appear in this as well as some other Points, to have formed exceeding wrong Notions of this Government, whose Measures will upon due Trial be found more steady and solid than some have imagined, for as no giddy rash Act was ever countenanced, but always discouraged by us, therefore such as these that may have hap'ned, we cannot as a Government be accountable for, and I must further say, that when we consider some other Imprisonments and illegal Duress with these Violencies, com-

mitted not by the rash humors of thoughtless People, but deliberately by Authority, We have very great Cause to be truly thankful that we have a Superior Power elsewhere to fly to, that in His Gracious Majesty from whose known Goodness & Justice (to use your own just Expression) we have the greatest Reason to be assured of immediate orders for preventing the Consequences that may follow from attempts of People resolved to do themselves (what they call) Justice. Last year, on the Fray between the People of Kent and Dorset, I proposed to my Lord Baltimore that he should concur in a Representation of that whole Affair to His Majesty, but I was not favoured with any manner of answer to it. I am now much pleased to find a proposal of somewhat the like kind from you, in which I assure you I shall most cordially & readily joyn, for it is now more than ever become absolutely necessary. I had last year occasion to take Notice in my Letters, as I frequently have done, that there must indispensably be some certain known Limits for the Exercise of Powers of Government, without which His Majesty's Subjects cannot possibly be secure in their Persons or Estates, such known Limits as I have already said we always had till now within these two years, after the Proprietors had by mutual Agreement concluded an absolute Determination of all Disputes and Differences on these heads, without any Regard to which, a Cressap has been authorised, or at least is countenanced, with a Pocket Dial, as divers Persons of Credit have affirmed, to Scatter & plant pieces of Maryland and his Lordship's Tenants, as they are called, where he and they please, and the Removal of these Abuses in a legal way is termed rioting. His Majesty's peaceable Subjects are hurried off their rightfull Settlements into distant Prisons, to the danger of their health and Lives, & now in the Spring time, to the irreparable Injury of their families, who depend for their Bread on their Labour & Care.

To a Gentlemen of your known Sense & abilities, to mention these things, all which will be clearly and indubitably proved, must be sufficient to shew what just Reason we have to complain, & whether we shall think ourselves under any Obligation to bear with them, you can be at no loss to know. This further shews, as I have said, the absolute necessity of applying to his Majesty without any delay, and I assure you I shall not be wanting in it in the mean time, as you appear very fully sensible of our immediate Duty, in the first place calling for a Reparation of this last Injury to Hendricks & Minshall, & that Cressap may be delivered to receive his Tryal in this Province, in which he perpetrated the Murder. I must in the next earnestly beseech you that we may concert some certain just and equitable Measures for preserving Peace between His Majesty's Subjects in both Governments, this is expected of us, without it we shall never be able to account for His Majesty's gracious favour to us, and for my own part I am resolved not to be wanting in any Point to discharge my Duty.

I have now in answering yours, and on this last fresh Occasion, run into a Length that nothing but the great Weight and Importance of those Affairs should have induced me to, and to the same Consideration I doubt not but you will have the Goodness to impute the Plainness I have with a very great Concern been obliged to use. As to our Conduct and Disposition towards each other, I assure you that no Man can be more ardently inclined than I am, to cultivate sincere friendship with yourself, and a perfect good understanding with the Government of Maryland, to which this of Pennsylvania as farr as I can learn has ever been heartily disposed, and which while I have the Honour of the Administration, shall ever be Studiously improved in a manner becoming that real Regard & Esteem wherewith I am

Sir,

Your most obedient and
Very humble Servant,

Philad^a, Mar. 8th, 1733-4.

Indorsed.

Copy of Gov^r Gordon's Letter to Gov^r Ogle, Mar. 8th, 1733-4.

DEPOSITION OF HENRY PACKARD, 1734.

New Castle County, ss :

Henry Packard, of New Castle County, Yeom^a, of full age, being Sworn on the holy Evangelists, before me, ye Subscriber, one of his Maty's Justices within the County afs^d, deposeth & saith, that on the Twenty Seventh Day of this instant, John Ward, Under Sh'ffe of Cecil County in Maryland, came to the House of this Depon^t, in Appoquinaminck Hundred, in this County, which is within a Mile of the King's Road leading thro' the County of New Castle, attended by seven Men, who as this Depon^t hath been since informed, were Constables of Cecil County, & that the s^d Under Sh'ffe & the other Men with him, entered into this Depon^t's House and asked for Jared Rothwell, son of Thomas Rothwell, & the s^d Jared Rothwell coming down stairs the s^d Under Sh'ffe immediately arrested him at the suit of James Heath, of Cecil County af^d, & that the s^d Under Sh'ffe took the said Jared away with him from this Depon^t's House.

And this Depon^t further saith, that on the same day he went to the House of Col. John Ward, in Cecil County, at which Place Perry Ward, Sh'ffe of the s^d County, keeps his Prison, & that he there saw the af^d Jared and Thomas Rothwell, Jun., (whom the s^d Under

* See Gov. Ogle's answer, May 30, page 434, also Col. Rec. vol. iii. p. 585.

Sh'ffe had likewise taken at the suit of the s^d James Heath,) in close Confinement, and that he, this Depon^t heard the s^d Sh'ffe say he would cary them to Anapolis.

And this Depon^t further saith, that he was informed by his wife & Brother, that several of the p'sons attending the s^d Under Sh'ffe had Swords drawn in their Hands, at the Time of their entering this Depon^ts House.

And this Depon^t further saith, that the af^a Jared and Thomas Rothwell told him that the s^d Under Sh'ffe had bound or pinion'd them at the House of James Heath, & had carried them in that manner to Goal.

HENRY PACKARD.

jurat, 30th Aprilio, 1734 tor.

DA. FFRENCH.

Indorsed.

Deposition Henry Packard, 30 April, 1734.

DEPOSITION OF THOMAS ROTHWELL, 1734.

Thomas Rothwell, of the County of New Castle, Yeom^a, aged about fifty years, being solemnly sworn on the holy Evangelists, before me, the Subscriber, one of his Maty's Justices for the said County, deposeth & saith,

That in the year 1713 this Depon^t settled on a Tract of Land situate in the Fork of Apoquinimy, in the County of New Castle, which Land was first taken up by Francis Cook, by Virtue of a Warr^t from the Commissioner of p'perty of the p'vince of Pennsylvania & Counties on Delaware, about 48 years since.

And that this Depon^t continued in the peaceable possession of the same several years, & that the p'sons who have since liv'd on the same have likewise lived in uninterrupted possession, & have constantly paid their Taxes, & acknowledged themselves to be within the County of New Castle.

And this Depon^t further saith, that his son, Thomas Rothwell, lived on the same for the space of two years without Disturbance, & that on the 27th instant this Depon^ts Daughter came to his House, & told him that some people from Maryland came to the house of this Depon^ts Son, on the aforesaid Land, arm'd with Swords, & took this Depon^ts Son away by fforce.

TS. ROTHWELL.

jurat 30^{mo} Die Aprilis, 1734, cor

DA. FFRENCH.

Indorsed.

Deposition Thomas Rothwell, 30th April, 1734.

* See Colon. Rec. vol. iii. p. 599. &c.

INDIAN LETTER RESPECTING INDIAN TRADERS, 1734.

May 1st, 1734.

My Brethren,

Some time ago Edmund* brought a Letter amongst Us, & withall advised me to mind & Be carefull of my people, not in ye least to hurt them, & if we wanted any assistance we might expect it from You, which we are very glad to hear. As for ye belt of Wampum you sent by ye 5 Nations, we have not yet had, tho' so often mention'd. Edward Kenny, Jacob Ryatt, Tim^r Fitzpatrick, W^m Dewlap, & Jn^o Kelly, of Denegall, come trading with us without licence, which is a hindrance to ye Licenc'd Traders. Charles Poke & Tho^s Hill are very pernicious for they have abused us, & we gave them a fathom of white wampum, desiring them by that Token to acquaint You how they had served us, & att a Drinking Bout, Hen^r Bayley, Olliver Wallis & Jn^o Young, took one of Our Old Men, & after having tyed him abused him very much, Ja^s Denning was among t' em & abused us likewise, such people we think are not proper to deal with us. Jn^o Kelly, of Paxton, has made great disturbance by raising false reports among us, & Tim^r Fitzpatrick, Tho^s Moren & Jn^o Palmer, Quarrell often with us, therefore, we desire those four may be kept particularly from us. Jonas Davenport, Laz. Lowry, Ja^s Letort, Fra^s Stevens, Ja^s Patterson, Ed. Cartlidge, we desire may have Licence to come & trade with us, as also Peter Cheartier, who we reckon one of us, & he is welcome to come as long as he pleases, likewise we beg att Our Councill that no trader abovementioned may be allow'd to bring more than 30 Gallons of Rum, twice in a year & no more, for by that means we shall be capable of paying Our Debts & making our Creditors easy, which we cannot do otherwise, & that every trader may be obliged to bring his Rum in ye Cabbin where he lives directly, & not to hide any in ye woods, but for P. Cheartier to bring what quantity he pleases, for he trades further yⁿ ye Rest, & that every trader bring his Licence with him, & for our parts if we see any other traders than those we desire amongst us, we will stave their Cags, & seize their goods likewise, we also beg every trader may be obliged to bring good Powder, & if we are indebted to any of those we desire may not be admitted to trade with us, if they will come without goods or Rum, if we have it by us we will pay them their Due, we also hope no hir'd man will have liberty to bring any Rum with him.

We are Your Friends & Brethren,

Testes—

JONAH DAVENPORT,

JAMES LETORT,

LAREY LOWREY,

PETER P. CHEARTIER,

NECHIKONNER, [L. S.]

OPOCKEETOR, [L. S.]

CAWKECAWLEN, [L. S.]

OLANAWKANOR,, [L. S.]

MEELATAINEN, [L. S.]

*Indorsed.*1st May, 1734. A Letter from the Indians abt Licenc'd Traders.

* Probably Edmund Cartlidge.

JAMES STEEL TO JAMES HEATH, RESPECTING ROTHWELL, 1734.

Having been informed by a Gentleman of Maryland, that James Heath alleges for the cause of his taking the two sons of Thomas Rothwell Prisoners, from off a tract of Land belonging to Me, on the branches of the Appoquiniming Creek, in the County of Newcastle, That I had come under some agreem^t with his father or himself, not to make any Settlem^t on that Land until the lines were run between the Province of Maryland & Pensilv^a, and that he had Letters under my hand importing the same. To the first I answer, that I know of no such agreem^t made by me at any time, either with his father or himself, and to the latter, the Letter which I writ to his ffather in the year 1722, will sufficiently show how matters stood at that time in relation to that Tract of land, and since the date of that Letter I doe not remember of any discourse or Conversation either with the ffather or Son relating thereunto, save once at the house of Clem^t Plumsted, where And^w Hamilton was present, and what the purport of that Debate was, I doubt not but those Gentlemen can remember.

[A Copy of the above Letter follows:]

Duck Creek, 1st, 5^{mo}. 1722.

Friend James Heath:

As I was the Road from Philadelphia to my Plantation at Duck Creek, I turn'd out & call'd at John Daniels my Tenant, on the branches of Appoquiniming in Newcastle County, who tells me (as doe some others) that he is threatened with Trouble from thee on account of his dwelling on my Land there, which Land being Legally survey'd by the Prop^{ry} of Pensilvania's Warrant Six & Thirty years ago, and ever Since held by Virtue of that Grant, and is still allowed to be Good by the Commissioners of y^e same Proprietary, what force a much later Survey made in Newcastle County, within about eight miles of Delaware River, by a Warrant from Maryland, can have, I confess I cannot understand.

However, if thy inclination leads thee to disturb me in my quiet Possession, I am perswaded I shall finde redress somewhere, w^{ch} I determine to seek, since I am fully Satisfied that my Right is good & lawful.

I am, &c.,

J. S.

I believe this Letter will not be taken for such an agreem^t as is above mentioned to be alleg'd by J. Heath, and any other relating to this Tract of Land, I neither finde nor Remember, and as to the Truth of his complaint to Several Persons, that my Tenant (now a Prisoner) had built his house and cleared the Ground close to the

fence of his (J. Heath's) Plantation, may if he please be further Viewed and Enquired into.

JAMES STEEL.*

Philad^a. 13th 3^{mo}. 1734.

Indorsed—Copy of James Steel's Letter, &c., to James Heath. 13th March, (3^d mo.) 1734.

GOV'R. GORDON TO GOV'R. OGLE, 1734.

Sir:

When I had the Pleasure of receiving yours of the 24th of February,† and of answering it by the same bearer who brought it, I had good hopes of being favoured with such a Return as would have prevented the necessity of this, but as you have not hitherto thought fitt to do me that Honour, and as not only the two Persons mentioned in my Letter to have been forcibly carried off from their Plantations, situate several miles above Conostoge, have ever since, as I am informed, continued Prisoners in your publick Goal at Annapolis, but two others also have since been taken out of Newcastle County, & in the same manner confined there, in order, as 'tis said, that all of them should be tried at your ensuing Provincial Court for their supposed Trespasses on Lands, that Maryland in our Opinion can have no Right to claim, nor can any Court try without implying at the same time that they have a Right by these Judgements to decide our Boundaries, which you will own can by no means be pretended. These Proceedings will no longer suffer me to defer putting you in mind of their Inconsistency with all the measures that our indispensable Obligations to His Sacred Majesty (of which you appeared so fully sensible in your own Letter,) requires us to pursue, for preserving Peace amongst his Subjects. This is what His Majesty expects we should make our principal Care, and, as you have justly observed, we shall but ill answer His gracious Approbation of us, if we fail in a Point, which from the first of His auspicious Reign, he has fully shewen he has at Heart above all other Considerations.

That I, on my part, may not be wanting in so important a Duty, since matters may be long delayed by the exchanging of Letters only, Mr. Hamilton & Mr. Georges of this place, are appointed to wait on you, whom therefore you are desired to receive, as duly authorized in behalf of this Government, to propose to your Consideration the present State of those Affairs, & to treat on the Subject of establishing Peace on our mutual Borders; and, as it is a matter of so great Importance, as you have said, to our Proprietors, to our-

* See Col. Rec. vol. iii. p. 699.

† See page 414.

selves, & to the People under our Care, and will undoubtedly be a most acceptable Service to his Majesty, I cannot doubt of your ready Concurrence in agreeing on such just Terms and measures, as may effectually secure the Peace of His People, till such time (which we think cannot now be far distant) as the Division Lines shall be run & our Boundaries indisputably fixed, the ultimate and only certain means of putting an End to all these most disagreeable Contentions, or at least till such time as his Maty can be applied to, & his Pleas^{re} known therein, as you have yourself proposed. And as to these poor men, who were taken off their Plantations, when in the King's Peace, & have been so hardly treated, I shall hope to find it has not been by your Approbation, because you told me you had given your People orders not to offer the least Injury to any Person whatsoever, but only to defend themselves against any unjust Attack that may be made on them, & therefore, since we do not hear these men have offered any, that you will now at your ensuing Court take measures for their Relief, & that the Losses and Injuries they have sustained, may be repaired.

As you have so fully expressed your Sense of your Duty in these points, & as amply declared your Inclinations to the same purpose with me, it must be needless on my part to add any thing on the Subject. The Gentlemen I have mentioned will be ready to proceed in what is further necessary. I shall therefore only repeat my ardent Wishes and Desires, that what is proposed may happily be effected between us, that we may at length enjoy the mutual Satisfaction of living in that inviolable Amity and good understanding, becoming neighboring Governments Subject to the same Sovereign, and of seeing Peace flourish amongst all His People under our Care, which at this time more especially, must be owned to be highly necessary, & herein you will ever find me with the greatest Sincerity. Sir,

Your most obedient, and
very humble Servant,

P. GORDON.*

Philadelphia,
May 14th, 1734.

Indorsed—Copy Gov^r Gordon's Letter to Gov^r Ogle. May 14th, 1734.

COPY OF COMMISSION TO HAMILTON & GEORGES, 1734.

PATRICK GORDON, Esquire, Lieutenant Governor of the Province of Pennsylvania, & Counties of Newcastle, Kent & Sus-

* See Col. Rec. vol. iii, p. 585.

sex, on Delaware, To all to whom these presents shall come, sends Greeting: WHEREAS, the unsettled State of the Boundaries between the said Province and Counties, and the Province of Maryland, leaving Room for frequent Disputes amongst the Borderers, several Disorders and Violences have been committed, tending to the Breach of His Majesty's Peace, and of that good Understanding which ought to Subsist between His Subjects in both Governments. AND WHEREAS, on Consideration thereof had in Council, present our Honourable Proprietary, that Board had thought fitt to approve of ANDREW HAMILTON & JOHN GEORGES, of Philad^{ia}, in the said Province of Pennsylv^a, Esquires, as proper Persons to treat with the the Lieutenant Governor of the said Province of Maryland, and Conclude on such Measures as may best conduce to preserve Peace between both Governments, and to prevent such Irregularities for the future, until the Boundaries shall be actually run and markt out. KNOW YE therefore, that in pursuance of a Resolution in Council this day passed thereon, I do hereby Authorize and Impower the said Andrew Hamilton and John Georges on behalf of this Government, to propose, treat of, and conclude upon, such Measures as they shall judge most proper for the Purposes aforesaid, with the Lieutenant Governor or Commander in Chief of the said Province of Maryland, or with such other Person or Persons, as shall by him be thereunto Authorized and appointed Hereby, promising on the part of the said Province of Pennsylvania and Counties aforesaid to ratify and confirm, what they the said Andrew Hamilton & John Georges, shall lawfully do in the Premises. IN TESTIMONY whereof, I have caused the Great Seal of the said Province to be hereunto affixed AT Philadelphia, the Fourteenth day of May, in the Seventh Year of the Reign of Our Sovereign Lord, GEORGE the Second, Over Great Britain, France & Ireland, King, Defender of the Faith, &c., and in the year of our Lord, 1734.

Indorsed—Copy of the Authority given Mess^{rs}. Hamilton & Georges, to treat with the L^t Governor of Maryland. May 14th, 1734.

INSTRUCTIONS TO HAMILTON AND GEORGES, 1734.

Instructions from Thomas Penn, Esquire, in Behalf of Himself & his Brothers, jointly, the true and absolute Proprietories of the Province of Pennsylvania & Counties of Newcastle, Kent & Sussex, on the Delaware, Unto Andrew Hamilton, Esq^r & John Georges, of the said Province, on their Journey to Annapolis, in the Province of Maryland.

On your Arrival at Annapolis, You are desired, at the most proper time to attend Samuel Ogle, Esquire, Lieut Governor of Maryland, who will have Notice of your Appointment in behalf of this Government to apply to him, and to represent to him in Writing to the following Effect :

That the Province of Maryland and the Province of Pennsylvania with the three Counties of Newcastle, Kent & Sussex, lying contiguous to each other, have never yet had their mutual Boundaries determined, or actually fixt in such a Manner but that there has always been room for disputes between the Borderers on both Sides concerning their Claims & Possessions, and to which Province or Government they of Right belonged :

That divers such Disputes have thereupon arisen, especially of later Years, when Settlements were, by the Increase of the Inhabitants, extended further towards each other, and Differences from thence ensued which have occasioned Complaints, to the great Uneasiness of the respective Prop^{rs} :

That in a just Sense of this, the present Lord Proprietor of Maryland, and my Mother as Executrix of my Father's Will, did enter into a joynt Agreement on the Seventeenth of February, 1723, whereby it is mutually Stipulated by and between them, "That for avoiding of all manner of Contention or Differences between the Inhabitants of the said Provinces, no Person or Persons shall be disturbed or molested in their Possessions on either Side, nor any Lands be Surveyed, taken up, or granted, in either of the said Provinces near the Boundaries, which have been claimed or pretended to on either Side :

"This Agreement to continue for the Space of Eighteen Months from the Date hereof; In which time 'tis hoped the Boundaries will be determined & Settled :"

That this agreement, tho' said to be for 18 Months only, after its Dates, yet the following and closing Words of it, vizt, "In which time 'tis hoped the Boundaries will be determined & Settled," plainly shew that as well the Equity of it, as the Intention of the Proprietors, was, that it should remain for such longer time as the compleating a final Agreement and the Settling those Boundaries should require ; and Accordingly such a final Agreement being delayed by Reason of the Disputes between the Branches of our Family concerning the Inheritance, the Governours of both Provinces thought themselves obliged, for preserving Peace between His Majesty's Subjects, to act agreeably to the Same ; and that part of it relating to new Surveys was, as well as the other, carefully observed by the Land Office for Pennsylvania, tho' lately divers large Surveys were made by the Authority of Maryland :

That at length, in the year 1731, the Propriety of Pennsylvania and the said three Counties, having been fully Settled in the present Prop^{rs} thereof, the Lord Baltimore made Overtures for the full and absolute determinatⁿ & fixing of their mutual Boundaries, which were,

after many Months' Deliberation finally agreed on, and on the 10th day of May, in the ensuing year, 1732, Articles of that Agreement were mutually executed, wherein a most carefull Provision was made for the Ease and Security of all His Majesty's Subjects, whose Estates or Possessions should be affected by them as by the said Articles fully appears, and Commissioners were appointed for running & marking out the Lines and Boundaries thereby directed :

That altho' by one Clause of the said Articles, they were rendered voidable in case a certain failure on the part of the Commissioners of either side should happen, whereon a forfeiture was to ensue, yet by the equal Care of the Commissioners on both sides, effectual Measures were taken to prevent such a forfeiture, whereby the said Articles & Agreement now remain in full force, to be executed either by a further Appointment of the Proprietors or by a Superior Authority, to whom such Directions may belong.

That the Government of Pennsylvania, notwithstanding all the Complaints that have been made to the contrary, have always proceeded with such Tenderness & Regard to Maryland, that not one Person of that Province has ever been Imprisoned in Pennsylvania, nor any held to answer at Court, by reason of any Disturbances, given (tho' there have been many) on Account of such Disputes save one in Case of a notorious Riot, on which nevertheless the Delinquent was, in Regard to the Cause of Difference, with the utmost Lenity discharged, and even without Costs, & those other Persons who very lately were, with the greatest Insult & Violation of common Right, placed by a most turbulent Man on the Lands of a Person's Plantation who had been peaceably possessed of it some Years before any of Maryland was known to pretend any manner of Claim there, which Persons, having been removed in the most legal Manner and obliged to give Bail to answer for their Trespass, were treated with great Civility, and all who appeared being made sensible of their Mistake were very easily dismissed. Yet it is with great Concern the Government of Pennsylvania behold their People treated in a very different Manner by Maryland. Two Persons, John Hendricks and Joshua Minshall, both seated some Miles farther North than the City of Philadelphia, on Lands that Maryland had not, as farr as can be learned, ever made the least Claim or pretence to before their Settlement, being then, as they had before lived, in the Peace of the King at their own Habitations, have been forcibly carried off and kept Prisoners to this time in Annapolis Goal. And two others have been in like Manner taken, when they were also in the King's Peace, & carried off their Plantations made on a Tract in New Castle County, Surveyed & Granted by the Authority of Pennsylvania near fifty years since, and on which there never was any Survey on the Part of Maryland, as far as can be found on Enquiry, till years after it was entred on & possessed in my Father's Right, and as these Proceedings are but late, it cannot be apprehended how

far and how long the like may be carried and continued, if proper Measures be not taken to put a Stop to such Irregularities.

That as the great End of Government is to maintain the Subject in Peace and Security, and it being impossible to preserve Peace without some certain Jurisdiction, that every Person may know to what Laws and Magistracy he is accountable, therefore tho' there should be any Doubts or Disputes about the Title to the Soil, yet Government is too Sacred & of too great Importance to suffer any uncertainty, especially amongst those who are accountable to the same Sovereign. Pennsylvania has been possessed of and maintained its Government for more than these 30 years past, as far South as the Mouth of Octararoe Creek or near it, nor has Maryland ever exercised Jurisdiction that is known in Pennsylvania, over the Inhabitants to the Northward of those Limits, till within these last 2 or 3 years, about the time when an absolute Boundary was agreed on by the Proprietors, the Position of which may without new actual Surveys be pretty nearly discovered, for the Southern Limits of Pennsylvania; Yet since that time Maryland has on the Western Side of Susquehannah extended its Claims to the Northward without Bounds or Limitation, as appears by the Seizing of the two Persons that have been first above Named.

That as in Justice to the common Subjects of Our Sovereign, who will never allow any of them to be oppressed, or to suffer otherwise than as they transgress His Laws, there is an absolute necessity to put some effectual Stop to such Proceedings, in order whereunto you now wait on Governour Ogle to desire his Resolution on these heads, and if he think fitt to concur in it, to conclude on some certain Terms by which the Peace amongst all His Majesty's Subjects in such part of the Country, the Right to which has been disputed, may be secured, till such time as either the Boundaries may be absolutely runn, or till His Majesty's Pleasure may be known therein and his Commands received, which 'tis conceived, may very easily be done in a Manner that shall not in the least prejudice the Claims of either of the Proprietors.

These Terms You are Authorised and desired by all the Means in your Power to procure to be Settled, on the foot of the Agreement between the Proprietors in London in the year 1724, with this Exception only, if it may be, that both Provinces shall be at Liberty to make any Surveys on Lands not possessed by others within those Limits, as near as they can be determined, that are agreed on by the Articles of 1732: And such Agreement as You shall enter into on these Heads shall be further ratified here. But if the Governour of Maryland should unhappily, as 'tis hoped He will not, decline entering into such pacifick Measures, on ending your Treaty it will be proper for you to draw up a full Account of your Proceedings in Writing, with Copies of what Papers may pass between you, and a Summary Account of other Transactions, and to close the whole with a Protest against the Governour of Maryland, for all the Mischief

Losses & Disturbances that may ensue, and to get the same taken in as authentick a Manner as shall be found practicable there. But this is referr'd to your Discretion, and the Judgment that you will be the better able to make there; you may also by the same Rule vary from such part of these Instructions in such Manner as you may find cause to believe will best contribute to the End proposed, which you will constantly have fixed in your View.

Indorsed.—Papers referr'd to in the Minute of May 14th, 1634.*

DEPOSITION OF HUGH RAINEY, 1734.

HUGH RAINEY, of the County of New Castle, on Delaware, Yeoman, aged about 45 years, being Sworn on the Holy Evangelist, before me the Subscriber, one of his Majesties Justices for the City and County of Philadelphia, Deposeth and saith—

THAT on or about the Seventh day of this Inst^t month of May, he, this Deponent being at the house of Mr. James Heath, near a Branch of Sassafra River, in Cecil County, (as it is called) in Maryland, and having then and there Conversation with the said James Heath, concerning the takeing of Thomas and Jared Rothwell, by the Sheriff of Cecil County, at the Suit of him, the said James Heath, from their Plantation on the Branches of Appoquiniming Creek in Newcastle County, and carrying them prisoners to Annapolis, this Deponent ask'd the said James, How he could be so un-neighbourly and cruel to take those p^rsons, the said Thomas and Jared, from their Plantation two miles to the Eastward of the claim Maryland had before made on the Inhabitants in that Neighborhood, to which the said James Heath made answer, That he the said James was in noe manner concerned in the takeing of the said Thomas and Jared, but that it was done by the sole order & directions of the Governor of Maryland, who as the said James Heath told this Deponent, had given Directions to the said Sheriff, to take the said persons Thomas & Jared Rothwell, in any place where they might or could be found.

AND this Deponent further Saith, that at the time and place aforesaid, Mary Chatham, Sister (by the mother) of the said James Heath, as well as the said James Heath himself, acknowledg'd to this Deponent that the said Thomas and Jared Rothwell, were tyed by their hands or arms, at his the said James Heath's house, at the time of their being carry'd from thence by the Sheriff, and further this Deponent saith not.

HUGH RAINEY.†

Jurat 15th Maii, 1734.

Coram—Will: Allen.

Indorsed—Deposition of Hugh Rainey, the 15th May, 1734.

* See Col. Rec. vol. iii. p. 585.

† Col. Rec. vol. iii, p. 599, also Archives, p. 426.

COMM'RS OF TRADE, &C., ON NAVAL STORES, 1734.

Whitehall, May 30th, 1734.

Sir :

I am commanded by my Lords Commissioners for Trade and Plantations, to desire you will transmit to my Lords Commiss^{rs} your Opinion what further Encouragement may be necessary to ingage the Inhabitants of the British Colonies on the Continent of America, particularly of those within your Government, to apply their Industry to the Cultivation of Naval Stores of all kinds, and likewise of such other Products as may be proper for the soil of the said Colonies, and do not interfere with the Trade or Produce of Great Britain.

As my Lords Commissioners are to make a Report upon this Subject to the House of Lords at the begining of the next Session of Parliament, which may be about Christmas next, I am further to desire, that your Return to this Letter may be dispatched as soon as possible, that my Lords may have time thereof, before they make their said Report. I am

S^r :Your most humble serv^t,

ALURED POPPLE.

Hon^{ble} Patrick Gordon, Esq^r, Dep^{ty} Gov^r
of Pennsylvania.

GOV. OGLE TO GOV. GORDON, 1734.

Sir :

I rec'd the favour of your Letter of the 8th of last March, and beg leave to assure you that I am at all times disposed, not only to cultivate the most sincere friendship with your Self, but likewise to promote by all ways & means, that lie in my power, a good understanding between the two Provinces. And I have that opinion of the honour and candour of Mr. Gordon, that I am convinced we might have preserved that peace and order amongst his Majesties Subjects, which our Duty obliges us to, if the management of all affairs relating to our Boundaries, had been left entirely to our Selves. Therefore it is to be wished, there had never been a distinction made in your Province, between the Power you have as Gov^r in all other Respects, and that in affairs relating to your Land office, for the managers of that office, not being restrained by the Govern^{mt}, think themselves at liberty to make what incroachments they please, from which alone I will venture to say, all the Riots and Disturbances have arisen amongst the Borderers of the two Provinces. But what gives me the greatest pain is to find, that it is possible for them to

lay such misrepresentations of facts before you, as to prevail upon you to support them in their violences, after a manner that I am confident you would not make use of, if the true State of the case was laid before you.

This is manifest by the Letter now before me, the misconceptions and misinformations therein, being so many, that I really chose to avoid answering the particulars of it, for fear of aggravating those unhappy Disputes, which I am so willing to put an end to. Therefore, you may be sure, I had the most sensible pleasure, when I received your Letter of the 14th of this month, wherein you required me to receive Mr. Hamilton & Mr. Georges, as duly authorized in behalf of your Govern^t to concert with us such measures, as might effectually secure peace, till such time (which you think cannot now be far distant,) as the Division Lines shall be run, and our Boundaries indisputably fixed, the ultimate & only certain means of putting an end to all these most disagreeable Contentions, or at least, till such time as his Majesty can be applied to, & his pleasure known therein, as you have your Self proposed.

After this I flattered my Self, we had nothing to do, but to agree upon such just and reasonable terms as I proposed in a paper dated the 23^d of May,* which I presume will be delivered to you, but to my great surprise, I found those two Gentlemen, so far from agreeing to any terms whatsoever, for preserving peace on the Borders, till such time as the Division Lines should be run, or his Majesty's pleasure known therein, that nothing would content them but the actual running of lines, directly contrary to the very purport of your Letter, & to our Duty as Gov^{rs}, which obliges us to join heartily & sincerely in preserving peace in the mean time, that the Disputes about our Lines is laid before his Majesty, from whose known Wisdom and Justice, we have all the reason in the world to expect a just and equitable determination.

As to that humble and Dutifull application, I proposed to be made jointly to his Majesty, to bring all our Disputes to a speedy hearing, their behaviour was so extraordinary, that I shall not take upon me to set it forth in any words of my own, but refer you to their own papers for information, but I cant help saying however, by subtle shifts & spurious pretences, the Gentlemen of Pennsylvania, may endeavour to put off such a hearing, yet, I hope the time will come at last, and then we may justly hope that all sophistry, and idle voluminous reasoning will fall to the ground, and all our Actions appear in their true & proper light, for which time, I hope you equally long with my Self, in the mean while, I beg leave to remain

Sir,

Your most obedient,
& most humble servant,
SAM. OGLE.

Annapolis, May 30th, 1734.

Indorsed—Gov^r Ogle. May 30th, 1734.

* See Col. Rec. vol. iii, p. 590,—607.

PETITION FROM PHILADA., 1734.

To the Honourable Patrick Gordon, Esqr, Lieuten^r Governour of the
Province of Pennsylvania, in Council.

The Petition of divers Inhabitants of the City and County of Philad^a, being Owners of Lands or Meadow Grounds in Wicacoe,

Humbly Sheweth,

That by Vertue of an Order of the Governour & Council of this Province, there was laid out a Road from the South End of the Second Street in Philad^a to the Point of Land on Delaware opposite to Gloucester, in New Jersey, but the Same being judged not so convenient as might have been, it was afterwards ordered that the same should be review'd which was done accordingly, but no Return being made of the Same, and forasmuch as the Same Road is now more frequented than formerly, and divers Persons thro' whose Lands the said Road was laid having in some Places inclosed the Same & in other Places incroached upon the said Road: It is humbly requested that some indifferent Persons may be appointed to review and lay out a Road from the South End of Second Street afs^a, to the s^a Point of Land opposite Gloucester afs^a, for the Conveniency of those who have Occasion to use the Same, Yet so that the Persons thro' whose Lands the said Road must run may receive as little Injury as may be.

And y^r Petitr^s shall ever Pray, &c.

THO. LAWRENCE,
SAM. STEEL,
A. HAMILTON,
SAML. POWELL,
JO. TURNER,
LLOYD ZACHARY.

Indorsed.

Petition. Owners of Lands & Meadow Grounds about Wicacoe.

May 14th.—Petⁿ read and the Pray^r thereof granted. R. Ashton, Ja^s Steele, Geo. Fitzwater, Ph. Johns, Ch^s Cox & Jos. Wharton, or any four of them, to review and alter where it may be necessary, & to make Return thereof.*

Gov. TO WRIGHT & BLUNSTON, 1734.

Philad^a, Aug^t 10th, 1734.

Gentlemen,

By the inclosed Copy of a Letter from the Governor of Virginia which I lately receiv'd, you will see that a heinous Murder committed in that Government is charged on some of our Ganawese or Canoy Indians, & I am very apt to believe that it is the same fact which

* See Col. Rec. vol. iii. p. 589.

made so much Noise about twelve or fourteen Months Since, when they were said to have brought home from the Southward the Scalps of some white People, but as Mr. Gooch mentions it to have been done in April last, I have wrote to him to be further satisfied in that Point.

In the the mean time that proper Steps may be taken for doing Justice on those Indians, if they are really guilty, I must desire you, on pretence of some Business near their Settlements, to go amongst them, and to enquire who their Chief Men are, what Number the Nation consists of, whether any of them have been lately to the Southward, with such other Questions as, without causing Suspicion, may give some Light into the Affair. I would have you likewise learn the Names of those two Young Men who brought home those Scalps last year, whether they are now at home or gone abroad, and when they may be expected to return, but in the last Enquiries, pray be extremely cautious. If there are any Persons who have seen the Scalps of white People at their Indian town, or have had any Conversation with these Ganawese on the Subject, I desire you'll send for them privately & examine them, charging them to keep the matter Secret, that it may not reach the Ears of the Indians till proper Measures are concerted how to proceed in the affair, and, as soon as you can, Send me a full account of your Proceedings with your Opinion touching their Innocence or Guilt. I depend much on your Prudence in managing this matter with all possible Privacy, and am

Gent

Your Loving Friend
and humble Servant.

To Mess^{rs} Wright & Blunston.

Indorsed.

To Mess^{rs} Wright & Blunston, Aug^t 10th, 1734.

ANSWER OF SAML. BLUNSTON TO GOV. GORDON, 1734.

May it Please the Governour,

I received thy Letter of the 10th Instant, wth the Enclosed Coppy, & am fearful there is too much room to Believe that this is not the fact thou mentions which made the noise Before, tho' I never heard any thing of this till now, ffor Last winter or Spring a party of twelve or fifteen of the Connoi Indians, with a few Others, went to the Southward as usual, & towards the head of Roanoak River, near a town of their Enemy's, were Surrounded, & thirteen of them Killed

on the Spot, ten whereof were Connoi's, the rest came back this Spring, but of those who returned I suppose there were not more than five or Six; now if this Murder was done in their Going to the Southward, 'tis very probable the Murderers are already Killed, if on their return perhaps they may be discovered, tho' I have not heard of any Scalps they brought home of any Sort, & I question whether those few who Escap'd returned together; But that all may be done in my power to come at the truth, I wil Enquire what number & at what time they went to war, & what number & at what time they returned, in all which I believe I can come at Sufficent Certainty, so that if you can Learn from the Gov^r of Virginia which way they were Going or their number, it may be Easy to fix it, and all the Intelligence I can Gain shall be Carefully transmitted by the first safe hand.

About a month Agoe a party of the Six Nations, Warriors, came to the Connoi Town in their way to the Southward, & in the name of the rest, five or Six came to my house & Brought a List of forty, the number going to war. They told me they wanted a paper to take with them through Virginia, to Show the Inhabitants that their Intentions towards the English were peaceable, which paper I suppose they Intended to be for the passport mentioned in the Governour of Virginia's Letter; made Nessessary by the treaty, (tho' this I knew not Before,) upon their Application to me I advised them to wait upon thee who only had the Right & power to give them such a paper; but that they said was so far out of their way they could not goe & Insisted upon Something from mee, So Considering if I denyed them a paper they would go without, I rather Chose to write to Edm^d Cartlidge a few lines to this Effect, "that forty of the Six Nation's Indians Intending to go to the Southward, Desired a Certificate from me to Show the white people that their Intention was "not to do them any hurt, but to pass peaceably along, & that they "need not be afraid of them," And I desired Edmund Cartlidge to let them know they must Suffer no Violence to be used towards any person, nor that they sh^d not forceably take any thing, And that if He thought proper he might give a Certificate of their peaceable Intentions, which they proposed by sending one person Before to Show the Inhabitants that they might not be frightened. If in this I acted Amis or Inadvertantly I shal be Sorry, for I Intended it for Good.

I am with Due Regard,

The Governour's Assured &

Much Obliged fr^d,

SA. BLUNSTON.

Hemfield, August ye 13th, 1734.

ADMIRALTY TO GOV'R. ON PASSES, 1735.

Admty Office, 9th January, 1734.

Sir :

I send you herewith a Gazette with an Advertizement, relating to Passes, commonly called Mediterranean Passes, and am Ordered b my Lords Commissioners of the Admiralty to desire you will cause the same to be communicated to the Masters of all such Ships and Vessells, belonging to his Majesty's subjects, as may come within your reach, that so they may not have any Colour to plead Ignorance therein. I am,

Sir,

Your most humble servant,

Patrick Gordon, Esqr.,
Gov^r of Pensilvania.

J. BURCHELL.

Indorsed—Sec^ry of Admty. Jan^r 9th, 1734-5, w^h an Advertizement relating to Med. Passess.

JUSTICES OF LANCASTER CO. TO GOV'R, 1735.

Lancaster, February 8th, 1734-5.

May it please the Governor :

We received the Governor's Letter p^r Joseph Growden, and should have taken all possible Care to have Complied with the Directions therein Given, so as to have Return'd the Depositions by the Bearer. But John Hendricks hath been for several months past, and yet is from Home Towards Virginia, and another person Living at Donegal, who is said can give the best Intelligence of that affair, is also abroad. So that at present nothing Effectual can be done; when they or Either of them Return, we shall Comply with our Duty, with al y^e Secresy required. We are Verry Apprehensive, the Evidence Hendricks can give, will not amount to what is supposed in the Governor's Letter. By Comon Report, two of y^e Three Indians who were Suposed to Comit the Murder, are Killed, and y^e Third, is now out in the woods.

Itt is our opinion that as the Criminal (if so prov'd) is not a Subject, but an Allie, he is not to be Tryed by us, nor punished by our Laws, but in such Cases the Custom has been to apply to y^e Indians for Justice against the offender, we are with due Regard, the Gov^{er}nor's assured

Friends,

JNO. WRIGHT,
EDWARD SMOUT,
DERICK UPDEGRAEF,
SA'L. BLUNSTON.

Indorsed—Justices of Lancar County, abt y^e Murder charg'd on the Ganawesse Indians. Feb. 8th, 1734-5.

PROCEEDINGS IN CHANCERY, 1735.

IN CHANCERY—

Phillips & Others
against
Evans & his Wife.

Saturday, Nov^r 30th, 1734.

The Complainants Bill of Complaint, & the Def^{ts} answer with an Account annexed being read: It is Ordered on the Motion of the Compl^{ts} Counsel & with Consent of the Defendants Counsel, that the Account exhibited be referred to Thomas Lawrence, Esq^r, a Master in this Court, to examine & report what share of the Personal Estate of Ralph Dunn remains in the hands of the Defendants.

By the Court—

R. CHARLES, Reg^r.

Pursuant To the above order, I have Examined the Accounts of The Defendants, & allowing to the Defendants wife one third of her Late husbands Estate, I find a ballance in favour of the said Defend^{ts} the sum of Seven pounds and five pence.

THO. LAWRENCE,

M^r. in Court.Philad: May ye 6th, 1735.*Indorsed*—"Phillips et al. }*vs.*

Roans &c. }

Masters Rep^t.

DEPOSITION PATRICK THOMAS OF MD., 1735.

The Deposition of Patrick Thomas, of Kent County in the Province of Maryland, Planter, aged twenty six years or thereabouts.

This Deponent being duly Sworn on the Holy Evangelists of Almighty God, Deposeth and Saith that he is an Inhabitant and Resident in the said County, and that on the seven and twentieth of April last past, about three hours within Night, James Mullen of the Town of Dover on Delaware, Blacksmith; Edward Banbury of the same place, Blacksmith; James Reily of the same place, Labourer, and David Fford of Tappannah, near the head of Choptank River, planter, Came to this Deponents House, the Door being shut and Bolted, and asked the way to one Roger Hickes, a neighbor to this Deponent; that this Deponent without opening the Door told them to go round the fence of this Deponent's Cornfield, and that there was a direct Path to the Said Hickes's; That they asked the Depo-

nant why he would not come out and show them the way, Upon which this Deponant Enquired whence they Came, and they answered from Humphrey Wells's, to which this Deponant replied he believed they Came from Pocoty (a place on Delaware Bay,) upon which the said Mullen came near this Deponant's Door, and speaking to the s^d Banbury, Reily & Fford, Said Damn him (Meaning this Deponant,) don't stand Chattering to him but lett us Stave open his House, that thereupon the said Mullen with a Large piece of Wood broke open the Door and three of them came into this Deponant's House & forceably pulled him out, and the Said Reily Struck this Deponent upon his Arm; That this Deponant began to Call out aloud in hopes of being assisted by some of his Neighbours, upon which the Said Mullen and Reily Swore if he this Deponant made a Noise, They would Murder him, Which Deterred him this Deponant, from calling for any Assistance; That the said persons Dragged this Deponant over a fence and through a muddy place and thence to their Horses, and then put him this Deponant up Behind the said Mullen without any other Cloathing but his this Deponant's Shirt and Britches, & Carried this Deponant away to Dover aforesaid, where they kept this Deponant confined till the Ensuing Monday Morning, and then put him this Deponant into Prison, Where he this Deponent Continued untill the twenty fourth Day of this Instant May, on which Day this Deponant found means to Escape and returned Home and further at present this Deponant Saith not, Save that Dover Town aforesaid is commonly Reckoned to be about twenty miles from this Deponant's House.

his
PATRICK ✕ THOMAS
mark

Sworn to May 27, 1735, before me.

HENRY HOOPER.

The Deposition of Ann Thomas, Wife of the before named Patrick Thomas.

This Deponant being ducly Sworn on the Holy Evangelists of Almighty God, Deposeth and Saith, that about three hours within Night of the seven & twentieth Day of April last past, four Men Came to her Husband's House, the Door being Shut and Bolted, and Enquired the way to Roger Hiekes's, a Neighbour; That this Deponant's Husband directed them the way without opening the Door; That the said Persons, instead of going away, Broke open this Deponant's Husband's House, and forceably Carried him away out of and from his House, without any other Cloaths But his Shirt and Britches, but to what place they Carried her Said Husband this Deponent knows not, otherwise than by her Husband's Information; And that her Said Husband did not Return Home untill Saturday Night last,

being the twenty fourth of this Instant May, and further this Depo-
nant at present Saith not.

her
ANN \bowtie THOMAS.
mark

Sworn to May 27, 1735, before me.

HENRY HOOPER.

Copy—

J. Ross, Ck. Court.

PROCEEDINGS IN CHANCERY, 1735.

Pensylv^a. ss.

Filed June 11th, 1735.

Evan Ellis Complain ^t	}	In Chancery.
<i>vs.</i>		
John Ellis and Others, defend ^{ts} r		

John Williams, of the County of Phil^adelphia, Yeoman, of full age, being duly affirmed, doth declare, that on the twenty Eighth day of this Instant (Month,) A true Copy of the Notice in writing hereunto annexed was read in the hearing & presence of the afore-said John Ellis, and a true Cypy thereof then and there delivered unto him, who then and there declared he had been informed before that time there was a decree against him, but that he did not care ; And further Saith not.

JOHN WILLIAMS.

Affirmed to the 31 st	}	
day of the month called		
May, Anno Dom ^o 1735.		

Before me.
THOMAS LAWRENCE.

Pensylv^a. ss.

Evan Ellis, Complain ^t .	}	In Chancery.
<i>vs.</i>		
John Ellis and Others, defend ^{ts} .		

John Ellis, the defendant in this cause, is hereby desired to take Notice, That On the twenty Ninth day of the Month called April last past, The Complainant was heard by his Councill, and a decree made in the same cause persuant to the prayer of the plaintiff's bill of

complaint Against him the Said John Ellis, together with costs of Suit, which decree so made is to become Absolute, Unless cause to the contrary be Shewn On or before the first day of the Month called June next ensueing the date hereof, So that if the Said John Ellis has any Such cause to Shew he may do it before that time.

J. KINSEY, Soll^r & quar.

To John Ellis, one of
the Defend^{ts} In the cause
aforesaid. Dated ye 26th day of
the Month called May, anno Dom^o.
1735. }

Indorsed—“ Evan Ellis
“ contra
“ John Ellis et al. } “ Notice of
“ the decree
“ & affirm of
“ Service thereof.”

GOV. OGLE TO GOV. GORDON, 1735.

S^r:

It is with very great concern, after so many complaints of the Riots and Disturbances, committed upon our Borders by people, and in your Governmt, that I find my Self still obliged to renew so ungratefull a Task, which I assure you is very much against my own inclination, being much more desirous to cultivate, together with the Sincere Regard and friendship I have for yourself, that good understanding between the two provinces, which becomes the Subjects of the same most gracious Sovereign: however, as my Duty in my present Station, indispensibly obliges me to take all possible care of his Majesties Subjects, under this Governmt, I hope you and the other Gentlemen joined with you in Council, will excuse the plainness with which I think my Self obliged to express my Self upon this occasion.

I have been all along so averse to Violences of all Sorts on occasion of our Disputed Bounds, that it was with the utmost Satisfaction I received the news of his Lordship's application to his Majesty in Council, where we have so much reason to expect from his Majesties known Goodness and Justice, not only a speedy, but a fair & equitable Decision, & was in hopes that the Proprietors of Pensilvania, would have shewn so much confidence in the Justice of their cause, after what their friends had given out in this part of the world, as to have joined heartily with his Lordship in his endeavours to bring all Disputes to a final conclusion; therefore, you may be sure, it was no small surprize to us in Maryl^d, to hear that they have shewn so much Distrust in their cause, for I am sure they could

have none in their Judges, as to endeavour by all ways & means that lay in their power, to put of a Decision so earnestly longed for by all true Lovers of Peace in both Provinces: but I own my surprize was still greater, when I found their Endeavours to gain time in England, was followed with an evident Resolution here to gain possession of more of his Lords'ps lands by such Violences, as were they to be returned on our parts, would lead us to no less than an actual War.

To avoid a long detail of the many Injuries and abuses his Lords'ps Tenants have most unjustly met with, I shall only lay a few cases before you, for which I think myself obliged to demand Reparation, if any can possibly be given adequate to such Injuries received, after so unheard off & illegal a manner.

In the first place, one Cannon, a Constable in Baltimore County, as he was coming from the County Court at Joppa, in his way home, as I am informed, was attacked by one Emerson, & three or four more, armed with swords & fire arms, taken Prisoner, and carried over Susquehanna River to Lancaster Jail; after he had lain there long enough for me to be acquainted with the affair, & to give orders to have some care taken of the poor man, to prevent his starving, he was hurried away to Philadelphia, kept close prisoner in Jail, where he must have probably perished, if it had not been for Doctor Chew, who could not help takeing pity on the sufferings of a poor man, who had left a wife & five small children, in a helpless condition behind him, & therefore run the Risque of bailing him, out of mere humanity & compassion.

The only pretence for all this cruel & injurious treatment, and for which the Doctor has been obliged to give Bail, is that he had been assisting as Constable, in serving a Precept upon one Minshall, whom the Gentlemen of Pensilvania will have right or wrong, to be in their Province. I must always insist upon it, that Minshall lives in Maryland, & can on no reasonable pretence be taken under the protection of your Govern^t, but suppose it was otherwise, suppose one Constable had made a mistake in this affair, tho' by the by, I can hear of no Injury done Minshall, was this a foundation for such proceedings? To pass over the extraordinary treatment he met with, could his mistake give any authority to your Govern^t to send an armed Force into this Province to take him prisoner without the least application to this Govern^t, is this a proper way for one part of his Majesties Dominion to act towards another? For God Sake, what must have been the consequences, if our people had at that time had a force at hand sufficient to have made a defence? For my own part I own, I tremble to think what may still follow, if you dont think fit to put a stop to these violent proceedings, which I hope you will the rather be induced to do from the quite different behaviour of our Govern^t of which the next case I have to offer you is a most manifest proof.

One Patrick Thomas, of Kent County, in this Province, as he was

in his own dwelling house, on the 27th of April last, was attacked in the night time by James Mullen & Edw^d Banbary, of Dover, on Delawar, Blacksmiths, James Reily, of the same place, Labourer, & David Ford, planter, near the head of Choptank River, who broke open the Door, forcibly dragged him out of his house in his shirt & Breeches only, & carried him in that condition to Dover, & put him in prison, where he continued till the 24th of May, when he found means to escape, all which you will see more fully by the enclosed Depositions.*

This action must be allowed to be highly aggravated in all Respects, it being agreed by all parties, that Thomas is an Inhabitant of Maryl'd, yet in this case, very far from entering with an armed Force into Lands, not now in our possession, but at present under your Govern^t, we have not so much as made the least Disturbance upon the Borders about this affair, but have rather chose in a friendly manner to apply to you for Redress, which however my Duty obliges me to do in the strongest manner, & to insist upon the undoubted Right we have to require the said Mullen, Banbury, Reily, & Ford, to be delivered up to us, to be dealt with according to Law, & that proper Satisfaction may be made for the extraordinary part, some of your Magistrates must have acted in this affair, without whose assistance I presume, the others, whatever other violences they might have committed, could not have kept Thomas so long in Jail.

As by these proceedings, your people seem resolved to make war with us, so likewise like all other countries, in the same circumstances, you seem determined to prohibit all Communication & Commerce between the two Provinces, for what else could be the consequences of the Treatment you have given Mr. Rumsey, if we were to follow your Steps, I own I cannot conceive.

There is so little ground for your taking prisoner one of our Magistrates, on the pretences made use of, that it might justly appear ridiculous in me to endeavor to shew the insufficiency of them: I shall only ask you this plain question, whether you think we have not the same power and Right, of taking such of your people prisoners, as may happen to come into our Province for such like pretences, I am sure can never be wanting, & whether the consequence of such proceedings on both sides, would not be what I have before mentioned?

You cannot but remember, that I proposed to you, to let every thing remain upon the Borders as I found them at my arrival here, & that we shou'd by proclamations in each Province, forbid & deter any Person within our Respective Govern^{ts}, from making any other new Settlements on the Borders, untill his Majesties pleasure should be known, which, alone can put an end to our unhappy differences. If this proposal had been accepted, it would have prevented much of the mischief which has since happen'd, and indeed, your refusing it, together with what has been since done, makes very manifest the

* See page 440-41.

Intention of your Govern^t, to gain more possession by mere force of Arms, which, besides what has already happened, may be the death of many more of his Majesties Subjects, unless your Govern^t should think fit to come into our pacifick measures.

What I have here represented to you, I take to be so necessary, & of such Importance to the peace of the two Provinces, that I cannot but earnestly desire the favour of your Answer by the Bearer, in the meantime, I remain with all imaginable Respect,

Sr,

Your most Obedient &
most humble Servant,

SAM. OGLE.

Annapolis, June 15, 1735.

COMMISS'RS. OF LORDS & P. ASK INFORMATION, 1735.

Whitehall, June ye 17th, 1735.

Sir,

His Majesty having pleas'd, upon the Address of the House of Commons, dated the 12th of the last Month, to direct us to prepare, in order to be laid before that House the next Session of Parliament, an Account of what Laws were in Force in any of His Majesty's Colonies in America on the 25th day of March 1731, and what Laws have been since pass'd in any of them, by which any Duties or Impositions are laid on the Trade & Shipping of this Kingdom; As likewise an Account of what Duties or Impositions are now payable by any Act or Acts of Assembly in any of the British Colonies and Plantations in America, on the Importation & Exportation of Negroes, Wines, or other kinds of Liquors, or on any Goods, Wares, or Merchandize and Shipping, distinguishing each Duty or Imposition: We desire you will forthwith upon receipt hereof, cause to be prepar'd, and transmit to us as soon as possible, a List of the said Laws and the Accounts beforemention'd, belonging to your Government, so we bid you heartily farewell, & are

Your very Loving Friends and

Humble Servants,

FITZ WALTER,
T. PELHAM,
EDW. ASHE,
JN^o. BRIDGEMAN,
R. PLUMER,
JA. BRUDENELL.

Patrick Gordon, Esq^r,
Deputy Gov^r of Pennsylvania. }

* See Gov. Gordon's Answer, June 25, p. 447.

GOV. GORDON TO GOV. OGLE, 1735.

Sir,

I have often lamented it as a particular Unhappiness to my Self, that ever Since your Accession to the Government of Maryland, the intercourse of Letters between us has been wholly on the Subject of Differences, which from that time, when all men might have reasonably Expected that every thing of the kind was on the Point of being entirely brought to a Period, seem rather to have been sett on foot to lay a foundation for a Rupture; for as I entertain a perfect regard for yourself, & would have the greatest pleasure in seeing a good Harmony & Agreem^t re-established between his Maty's Subjects in both Governm^{ts}, I cannot but express my unfeigned concern that complaints sho^d be so often renewed: It is indeed owing to nothing else but the Reluctancy I have to be always engaged in matter so contrary to my own disposition, that I had not prevented Yours of the 15th Instant,* by representing to you how very outrageously this Governm^t & his Maty's Subjects in it, have been treated by some of those very persons in whose behalf you have thought fitt to complain of Abuses offered to your Governm^t & the Inhabitants of Maryland.

On perusal of your Letter, one but Little Acquainted with the late Transactions between this Governm^t & Yours, would be Apt to Imagine that this Province had been the constant Aggressors in every dispute that has hapned between them & Maryland, while the Latter had been patient beyond measure in suffering Injuries: But if the contrary of this can be evidently made Appear, (Proofs of which may probably by this time be laid before our Superiors,) those Impressions will be of no long duration; I shall therefore in answering your's use the same plainness you have done, & hope I shall be equally excused for it by Yourself & those who are Joined in Council with you.

If the Differences Arising from the unsettled State of ye Boundaries gave so great uneasiness to all true Lovers of Peace in both Provinces, (& to such I really believe they did) how great satisfaction must they have had in the Prospect of accomodating & finally ending them by the mutual Agreem^t of both Proprietors in 1732. To which of the two Governm^{ts} the delay in executing that Agreem^t is to be ascribed, is too well known to be now mentioned, nor would it be difficult to show that while the Execution of it was actually on foot, & the Comm^s for that purpose Appointed treating on it, Such Violent Intrusions on the poss[']ions & undoubted right of our Proprietors were countenanced by your Governm^t, & such printed advertisem^{ts} published from your Land Office, (& pardon me if I here add your own Letter to Mr. Jones, of which, if the Copy I saw be agreeable to the Original,) as must clearly convince every one, that nothing was less intended than what had been so solemnly & with so much deliberation Stipulated, Consistently with all which, & to putt the matter beyond doubt, we now find your Lord Prop^r applying to

*See page 443.

his Majesty in Council, not for determining the dispute that arose out the Execution of the Agreement, but for obtaining a Grant of those very Lands to which in that Agreement by such strong releases and express Covenant^s he had renounced all claim & pretentions. Our Prop^rs indeed can no otherwise account for this extraordinary Step of his Lords'ps, than as it may be taken for Enabling his Lords'p if he succeeds to make his Assurances & releases to them more effectual, & I have their directions to say that they neither doubt the Justice of their Cause, or can harbour so dishonourable a thought as to distrust the Impartiality of its Issue, (for which reason some Expressions of yours on this head might with all Submission have been spared,) That on his Lop's side it does not look like any great confidence in the first to make Such an Application as soon as the Eldest Prop^r had embarked on a Visit to this Province, on which account alone it is that those who represent their Family may have moved for a delay, which never would have been pressed for, if his Lop's could have thought it proper to have brought the matter on the Carpet before that Gent. left England: The tender regard however which his sacred Maty has constantly shown to the possessions and properties of his Subjects, gives our Proprietors the firmest assurances that when they shall have represented to his Majesty the Right they derive from his Royall Ancestors to this Province & its Territories, the three Lower Counties on Delaware, the most Just and impartial Decision may be Expected from his Majesty's consummate Wisdom & Justice.

As those late illegal Settlement^s on the W. side of Susq. countenanced by Maryland, have been in a great measure the Source of all those disorders that have hapned in these parts, I think myself Obligated before entring on the affair of Canon, to repeat what I have often before observed to you; That if those Lands poss'd by Thomas Cressap & his Associates, lying more Northerly than this City, above 20 Miles to the Northward of the Octararoe Line, & nearly the same number of Miles to the Northward of the Line mentioned in the Agreement of 1732, are not in Pennsylv^a, I should be at a Loss where to find this Province as described in the Royal Charter. I must likewise add that Cressap's seating himself there was not at first with the approbation of Maryland, is evident from a Letter I have in my hands of your immediate worthy Predecessor's, wrote not many months before your arrival, & promising a Speedy Enquiry into the Complaint I had then made touching those Settlement^s. But soon after your arrival I found this Cressap much Countenanced & Supported, a Grant of a Ferry was first given him, he was soon after made a Sort of Conservator of the Peace, (I use this term because I hear he does not rank with the Justices,) & since the Late Murder he Comitted is made a Captain, & supplied with Arms & Ammunition; by this Plenitude of Power, to which I'm much misinformed if his Character does any Honour, he is enabled to do & actually Commits such Violences as are Shocking. He it is who very lately Sent out a Negro Man armed with a Cutlass & pistols, to take Mr. Emerson,

whom you mention, Dead or Alive, for which the Negro was to have twenty pounds reward, as he himself has acknowledged before Several Witnesses, the Same Negro had some time before taken Away & Staved to pieces Mr. Emerson's Flatt, but failing in this Horrid attempt he was taken & comitted to Goal, where he continues so hardened as still to threaten, if he Obtains his Lib'ty, to destroy Mr. Emerson & burn his house; I am likewise well assured that incontestable proof can be had of Cressap's declaring openly, that he had his Govern^{rs} Orders not to take aim for the future so low as the Legs, (for you may remember the person whom he killed died of a Shott in the knee,) but to aim directly at the Heart, & that so he would do; That you never said this I believe as Sincerely as that he said it of you, what may therefore be expected from the Least Countenance or Encouragem^t Shown to such an Incendiary, & what Irreparable Mischief may be perpetrated by such Desperadoes I leave to your own Calm Reflection, as also to Consider, if the Insults he on all Occasions Committs on our people should at any time prove too powerful for their patience longer to tolerate, & further Mischief ensue thereon, where the blame must naturally rest. I have honestly & Sincerely laboured to prevent as farr as possible every thing of this kind, but should it happen, pray think whether it will be charged to those under whose protection he hath sheltred himself, & to whom his Violent proceedings can be no Secret, or to those who have so often remonstrated Against his Settlem^t & Continuance in these parts, & the measures he has pursued thereupon; Of Several Depositions which I have now by me I send the inclosed touching his behaviour in that Riot at Minshall's house, which appears so brutall that I hope none wilt attempt to justify him as well for the Murder he comitted in this Province as for many other Offences of the most enormous nature. I thought I had a good right in behalf of this Governm^t to require that he should be delivered up to us to be proceeded against according to Law, this I did by my Letter of the 8th of Mar^h* 1733-4, to which I have yet received no answer on this head, and therefore I am Obliged to renew my former Request, & I hope you will have that Regard for Justice as to Order it to be complied with.

The affair of Canon which you are pleased to dress up with so Aggravating Circumstances, will on a further Enquiry Appear very different, & I hope even in your own eyes. This Associate of Cap^t Cressap's was not only concerned in the Riot at the House of Joshua Minshall, (who neither is or ever was an Inhabitant of Maryland, never owned its Jurisdiction, or held under its Grant,) but also being Assisted by Mr. Cressap and several Armed Persons, Violently Assaulted one William Farmer, a hired Servant of Mr. Emmerson's, while in his Master's Flatt, took him from thence by force & carried him to the Goal of Baltimore County, where he was put in Irons; his wife with a Sucking Child at her Breast followed her Husband but was long denied admittance to him in the Prison, & tho' means were found to convey to him a little money to buy him Provision,

* See page 417.

yet no other Victuals were allowed to be given him than a Little Hominey. The poor Man lay in Irons till the County Court sate, who were so far from thinking him liable to a Prosecution, or that he had been regularly apprehended, that they ordered his discharge without any Trial, but not without the Paym^t of near Ten Pounds Costs. For these acts of Violence & Breaches of his Maty's Peace, Canon on a precept issued to the Sheriff of Lancaster, was apprehended by him within the unquestionable Bounds of Pennsylvania, committed by our Justices to Lancaster Goal, but not put in Irons, & from thence by a Habeas Corpus removed to the Goal of Philadelphia, in both of which, very different from the Treatment of our People with you, he was used with all the Humanity that could be extended to a person in his Circumstances, which if he has any one sense of Truth and Justice it's presumed he must readily own, and on Dr. Chew's entering Security for his Appearance he was sett at Liberty. Now Sir give me Leave to ask whether the same Questions that you have been pleased to put to me on the Supposed Injustice done to Canon, may not with Equall force & Reason be put to yourself on the usage given Farmer; for Canon was manifestly the Aggressor in coming into this Province with force, & exerting a Power in it for which he had no Authority, & I need not be at the pains to show Farmer's Innocency, since your own Justices' Acquital of him, puts that beyond Controversy. Before dismissing this Subject I think I have an equal Right in my Turn to ask a few Questions particularly, Why poor Farmer was laid in Irons & denied the food he was accustomed to? Is his Lordship's Peace in Maryland more Sacred than his Majesty's Peace in Pennsylvania, or a more exemplary Punishm^t due to the breach of it, admitting this had been such a Breach? Or are persons offending against the first less entitled to comon Humanity than those offending against the Last? As Dr. Chew's Humanity & Compassion in bailing Canon are taken notice of & Acknowledged by you, I wish heartily the like Occasion, either in Farmer's Case or some late ones, particularly that of Hendricks & Minshall, who were so cruelly treated & so long detained in a loathsome Goal, had been given me of acknowledging the same kind Dispositions in some good natured Gentleman of Maryland; for it cannot but be remembered that those two last named persons, who as I Observed to you once before, were guilty of no other Crime I could ever hear of than that they lived at home, could not Obtain their Liberty till two Gentlemen of this Province were Sent to Annapolis to procure it for them, as well as to treat with Yourself on methods for preserving Peace for the future, but from hence may be seen which of the two Governm^{ts} proceed at Present with the greatest Mildness towards the Inhabitants of each other.

I am much at a Loss to find out how the treatm^t said to be given Mr. Rumsey is to be construed a Prohibition of all Communication & Commerce between the two Provinces. He surely cannot say he was harshly dealt by, he was indeed brought up hither from New Castle, where he was apprehended under Custody of the Sherif, but

was committed to no prison & his Detention was but for a very short time, he haveing thought fitt to Enter Bail which was immediately accepted, for his Appearance; The Information against him would have justified a very different usage, for it is not only charged on him y^t it has been his Practice by Warr^{ts} from Maryland, to make Surveys on Lands held & poss^d at the time by others in right of this Province, & thereby has Occasioned much Disturbance & Confusion amongst many of our Inhabitants, but that endeavouring in his own Right to dispossess one Murphy, an Inhabitant of Pennsylvania, seated on Lands long since surveyed & granted to him by Authority of this Govern^t & to which no claim, till those Extraordinary late ones that have been advanced, ever was made, Mr. Rumsey bro^t an acc^{on} of waste against Murphy in Cecil County Court, whose Process being Issued for takeing him, People were Sett on to burn his fences, he Imagining the fire to be accidental came out to Save them, but was no sooner gott at a Little distance from his dwelling house, than he was sett upon by a number of Armed Men & in a most forcible manner carried off to Cecil Goal, the fire continuing to destroy his fences, the Crop of Corn he had put in the ground for the Support of his Family was entirely Lost, and that Court haveing taken upon them to determine in favour of Mr. Rumsey's pretended Claim, Damages with Costs were given against Murphy; but all this was not it seems enough, he was Imediately on Mr. Rumsey's Accusacon bound over for a breach of his Lordsp's Peace, (that is for maintaining himself in his just poss^{ion} under this Gov^t and acknowledging its Jurisdiction,) and carried down to Annapolis Goal, where he suffer^d exceeding great Hardships before he could bring persons from Pennsylv^a to give Bail for him, for these facts therefore Mr. Rumsey was apprehended not as a Justice, which whether he was or not never fell under our Cognizance. What makes the whole of this Transaction still more remarkable is, that it was carried on at the very time the Execution of the late agreem^t was under the Consideracon of the Comm^{rs}, to which Mr. Rumsey could be no Stranger, as he was applyed to by those of Maryland for his Opinion as a Mathematician upon one article of that Agreem^t. Is then this Outrage & Violence of so small Moment as to be Overlooked? Has not this Govern^t as good a Right to determine in favour of Murphy's Claim, as Maryland had in favour of Rumsey's? And if each Govern^t is at Liberty to determine their own pretensions, what must be the Consequences of such a procedure? This Province I assure you from my own knowledge of it & the best Information I can have, has never countenanced any measures tending to Interrupt a free and Open Communication & Commerce between them & Maryland, but on the contrary have endeavoured to cultivate a good understanding with your Province, & which I shall still believe it my indispensable Duty by all proper means to promote.

You are Sensible what we have thus far been treating of has arose Solely from those Disputes concerning our Boundaries, & the Intrusions that have been made on us, about or from the time the Last

Solemn Agreement was entered into, but you doubtless see that the demand you have made of delivering up the four persons who attacked Patrick Thomas is of a kind intirely different, Since the Unjustifiable Errand those fellows went upon into your Province has no manner of relation to the other, the Sum of the Complaint is, that so many disorderly persons committed an Act highly unlawfull within the Limits of your Govern^{mt} and are now retired into ours, where probably they had their abode before, & in all such Cases it is not only reasonable but necessary, that each of us should apply to the other to Cause the Guilty to be Surrendered to Justice, in which I assure you I shall never on my part be deficient, I could have wished indeed to have had some due account of the fact before I received it by your Letter, for then you should have found how ready I am & ever shall be on all such Occasions, to Cause Satisfaction to be made to your Govern^{mt} without any demand of it, as I hope on the like Occasions you will also be on your part. I have since the receipt of yours Enquired into the fact & found here a person from thence who was capable of giving some account of it, which I understand to be thus; Thomas was the Indentured Serv^t of Mullen, but deserted his Service a year & a half before it expired, & by flying into Maryland fancied himself safe & out of Reach of his Master, who, without taking any proper measures, as a Hue & Cry, & applying to the Magistrates of the Place, which had he done he might doubtless have obtained ready Justice, Senselessly thought he had a right to take his Serv^t wherever he could find him, But as the Procedure was altogether Illegal, I am so far from Vindicating or in any measure Excusing him, that I shall forthwith send directions to the Justices & Sheriff of our County of Kent to Secure Mullen & his Assistants & to deliver them to the Officers of Kent in Maryland, & shall there Leave them to their Justice or Mercy as they shall think fitt to deal either to these Offenders.

But to return to these other Affaires that I may give an answer to what you mention towards the Close of your Letter.

You may remember that soon after your Arrival in Maryland I represented to you the necessity of fixing on some certain Limits without prejudice to the right of either Proprietors, within which the powers of Govern^{mt} might with some certainty be Exerted on either side, for preserving his Maty's Peace, & maintaining that Tranquility which he absolutely requires all his Subjects should be protected in the full Enjoyment of. This I have repeated almost as often as I have wrote, but to what Effect?

Has it prevented the continuance & Increase of those Settlements on Susquehanah made in open Violation of the Pacifick Agreement of 1724, to the Observance of which, till a more compleat one should be concluded, both Govern^{mts} had mutually consented? Have not these Settlements been on the contrary even Since the encouraged, Agreement of 1732, that leaves them abt 20 Miles within Pennsylv^a? And as they lye at a distance from the Seats of Govern^{mt}, & are thereby very convenient for persons of particular Characters to re-

sort to, have they not been Nurseries of Strife, Contention & Violence? I am sure I speak with great Sincerity when I say that I do not know where it is that this Province has gained or attempted to gain a Pos'sion of Lands that with any colour can be pretended to belong to Maryland, for I cannot learn that either to the Southward of the Octararoe Line fixed by the Lord Baltimore's Grandfather, or by that established by the late Agreem^t in 1732, any new Settlement^s have been made or protected by this Governm^t, if there are I wish you would be more particular in pointing them out.

Notwithstanding the Refusal on the part of Maryland to fix such Boundaries, & the delay given to the Execution of the last mentioned Agreem^t, yet from an ardent desire to preserve if possible a good understanding between the two Provinces, I resolved to make another Effort, & for this purpose Mr. Hamilton and Mr. Georges came to treat with you at Annapolis in May 1734, then it was, and not before, that you proposed to Issue proclamations for preventing further Settlement^s, in which proposal these Gentlemen I find joyned with you, but to render it the more Effectual desired some Bounds might be mutually agreed on for limiting the Jurisdiction of the two Governm^{ts}, without prejudice to the Right of the Prop^{rs} thereof, in the manner I have before mentioned; to this you did not think fitt to give any answer & therefore I concluded you rejected it, But as I must always insist that without fixing some Limits such proclamations could be of no manner of use, Since each Governm^t would still be at Liberty to interpose their protection where & when they thought convenient. I now offer to you to meet you at any place Middle way between Philadelphia & Annapolis, & if you will agree that the E. & W. Line directed by the Articles between our Prop^{rs} to be run 15 Miles South of Philadelphia, which with very little trouble may be nearly known, shall be the dividing Line between us for exercising our respective Powers of Governm^t to the purposes aforesaid with a Salvo Still, as that Agreement is yet unexecuted, to our respective Proprietor's Rights as if no such Stipulation between us had been made, I shall most readily joyn not only in proper Proclamations, but likewise forthwith order the Removal of all such, if there be any, who living to the Southward of that Line have claimed or had the Protection of this Government, & I hope you will give the like orders touching those to the Northward of that Line claiming the protection of Maryland. If this Expedient, which is agreeable to the Intention of both Proprietarys signified under their hands & Seals, tho' not yet carried into Execution, is not to your Liking, pray let me know what you would propose on this Head, that if possible we may heal up those breaches that so imminently endanger the Peace of both Provinces.

I remain with great Respect Sr,
Y^r most Obed^t h'ble St.

Indorsed.

To Gov^r Ogle, June 25th, 1735.

ABM. WENDELL FOR INDIANS TO GOV. GORDON, 1735.

In SINEKES LAND, July 29, 1735.

To his Excell^y, Esq^r, Cap^t Generall and Govern^r In Chief of the Provinces of Philadelphia.

We are sent here for the good of the Government of New York, and these Indians have divers times desired me to write to your honour what follows : They tell me that according to your order they have been at a place called Adjiego, and done their Endeavour to live in peace & quietness with those Indians, and desired them to come and live here, but they will not hearken, but at last promised they would come and see the place, but when these had been about four months' from thence, those living at Adjiego have murdered one who was a great man,* and an Indian that was of good Intention towards you; howbeit we have heard there is a number of them departed down the River, and they are those who have little goodness in them, and the same who murder'd the great man; we have been their by your order, and because your People are there we wish all may be well, good weather without Clouds, but they are the Murderers that are now gone, so we hope it will continue well with those who remain at Adjiego, the which we do very well understand, and can bear with them; and as to your desire for us to come to you, our Intention is to come the next Spring to speak with you and to hold to our Engagements. Brother, you may ask your children if we have not done our part at Adrego or the handsome River, and we desire to know so soon as possible where those people are travell'd to, we cannot think they can be welcome among any sort of People, for they have already differed with divers Nations. In Expectation that you will send us an answer by the Bearers, we send a string of Wampum.

Brother, we also let you know that our Warriours tell us that they have met with one of your People among their Enemys, and there were two or three of the same Indians that dwelt at Adjiego, and have murder'd him, but these Indians say they cou'd not prevent it, so they have murder'd one of yours and one of our people; we hope you will take all in good part, for we mean right and well, and send you a belt of Wampum, and desire you will write us 5 or 6 lines.

Your humb^e Ser^v,

ABR. WENDELL.

* See Gov. Ogle's letter of 15th June, to which this is in reply, page 443. also Gov. Ogle's answer to this, page , Sept. 15.

† Sagohandechty. See Col. Rec. Vol. III. p. 660, and answer, 661,

GOV. GORDON TO SHEKALLAMY, 1735.

PHILADIA., Aug^t 13th, 1735.

My Friend Shekallamy:

When you and our good friend Hetaquantagechty were last at Philad^{ia}, you complained much of the great Quantities of Rum brought amongst you, & of the abuses the Indians suffered thereby. In answer to which we acquainted you with the Care we had taken to prevent, as much as we could, all irregular practices of this kind, & read to you some parts of our Laws made for that purpose, & at your desire gave you a writing which contained what those Laws had directed ab^t Seizing & securing Rum unlawfully brought amongst you, but at the same time you was told, that all such Rum was to be carefully kept & preserved till Orders were sent from hence how to dispose of it. I am now much troubled to hear, that an use has been made of that Paper very different from what we intended; we are told that some Rum was Seized by you, but instead of preserving it whole & untouched, the Indians gott to it & drank it up. This was exceedingly wrong & contrary to the promise you made us when that Paper was given you, and you must be sensible, that instead of preventing Mischief, such a procedure may greatly increase it; Since therefore the Indians cannot be restrained in this Point, it is to no Purpose to suffer them to Seize any Rum, for it can only serve to debauch & hurt them the more. And for this Reason, I would desire that you should deliver up that Writing to Conrad Weyser, to be kept by him till we consider on some other measures that may prove more Effectual.

I am your true friend & Brother,
P. GORDON.

PROPRIETARIES' NOTICE RESPECTING LAND LOTTERY, 1735.

[L. S.] John Penn, Thomas Penn and Richard Penn, Esq^{rs}, true & absolute Proprietaries of the Province of Pennsylvania and Counties of Newcastle, Kent & Sussex, on Delaware.

To all to whom these Presents shall come, Greeting:

Whereas in the printed Scheme for the Sale of One hundred thousand Acres of Land by way of Lottery within this Province, it is mentioned in the second Article, that the Reservations in Relation to Mines shall be as usual, viz^t: three-fifth parts of all Royal Mines, and one-fifth part of all other Mines, free of all Charges for digging & refining the same; and we having been informed that the said Reservations, with Regard to Mines of Iron, & all others except Mines Royal, will be much greater than the Persons possessed of Lands in which such Mines may be found can comply with, & at the same time receive a reasonable Advantage for the working thereof,

which may tend to prevent the Exports from this province to Europe rising to such a Value as may well pay for the Merchandizes we are constantly obliged to bring from thence.

We, therefore, thinking it incumbent on Us to remove any such Obstruction, Do hereby declare, that the Reservation for our Share on all Mines other than Mines Royal, (w^{ch} will be as has been usual in former Patents,) is intended to be no more than one-fifth part of the Ore delivered at the Mouth of the Pit free of all Charges for digging the same, & that no other shall be incerted in the Patents for any of these Lands in Relation to other than Mines Royal.

Given under our Hands & the Lesser Seal of our said Province, at Philadelphia, this thirteenth Day of August, 1735.*

JOHN PENN,
THOS. PENN.

Entered in the Office for Recording of Deeds }
for the City & County of Philadelphia, in }
Pat^t Book A, Vol. 7, Page 239, &c., The }
20th Day of August, A^o. Dⁱ, 1735, }
By me, C. BROCKDEN, Rec^{dr}.

PROCEEDINGS IN COURT OF CHANCERY, 1735.

At a Court of Chancery held at Philad^{ia}, August 14th, 1735.

PRESENT :

The Hon^{ble} the L^t Governor,

Ralph Asheton, } Esq^{rs}. M^{rs}. in Chan^y.
Samuel Hasell, }

PHILIPS & others

vs.

EVANS & his Wife.

It appearing by the Report of the Master, to whom the accounts exhibited by the Defendants in this Cause were referred, that there are not sufficient Assets remaining in the Executrix's hands for the payment of the Debts & Legacies in the Bill mentioned, On the Motion of Mr. Kinsey, of Council for the Complainants, & by Assent of Mr. Evans, of Council for the Defend^{ts}. It is Ordered that the said Executrix make Sale of the Two hundred Acres of Land Lying in the Mannor of Moreland, & not devised by the Will of the Testator, as Soon as conveniently may be, and that the monies arising by the Sale be brought into Court, subject to such Order as the Court shall then think proper to make concerning the Same. And that the further Consideration of the Report aforesaid be deferred till that time.

ROBERT CHARLES, Reg^r.

* See note in Vol. II. of Smith's Laws, Bioren's edit. p. 149-50, respecting this Land Lottery.

REPORT ON THE LOAN OFFICE, 1735.

We, the Committee appointed by Order of Assembly to Audit and Settle the Accounts of the General Loan Office of the Province of Pennsylvania, Report:

That the whole sum Current in this Province in paper Bills, as appears by former Reports of the Committee, is	£68889 15 00
That upon a Strict Examination of all the Mortgage Deeds now remaining in the Loan Office, We find there are principal Sums or Quota's thereon to become due and payable to the Trustees, amounting to the Sum of	£47971 18 2½
And Quota's outstanding on all the Mortgage Deeds, as p ^r List herewith	10383 16 6½
That there remains unpaid and to come into their hands from the Several Treasurers and Mayor & Comonalty of the City of Philad ^a , pursuant to the 1 st £30,000 Act, the Sum of	913 — —
And pursuant to the 2 ^d £30,000 Act, the Whole sum appropriated to building ye Stadt House,	2000 — —
The whole Sum appropriated to Building the Alms Houses,	1000 — —
The whole Sum put into the Provincial Treasurer's hands,	1000 — —
The whole Sum lent to Lancaster County on a 2 ^d Loan,	300 — —
And to be paid into the Quota account out of the Interest money for so much paid the Printer and Signers of Bills of Credit, Emitted by the 2 first paper money Cuts,	333 5 —
And the Quota's thereof, which should have been Sunk pursuant to a former Order of Assembly, but still remains to be Sunk out of the Interest money,	39 12 1½
Balance due to the Province in the Trustee's hands in Cash, to be Re-Emitted,	4948 3 1½
Makes the whole Sum Current in the Province, as above s ^d ,	£68889 15 —
That the Trustees charges the Province on the Account of Interest, a Balance due to them p ^r Acc ^t Settled by the Committee, Aug st the 12 th , 1734,	734 13 9¾
With Sundry Orders of Assembly paid, amounting to	949 10 4
With Sund ^r Sums paid Assembly men's Wages, p ^r Tickets produced for ye years 1732, 1733 & 1734, pursuant to the Law for that purpose made & provided, . . .	312 10 —
With John Wright's Salary as One of the	

Trustees of the Loan Office, due Feb. 6 th , 1734-5,	50 — —
With the other 4 Trustees' Salary, Due Aug ^t 1735,	440 — —
Interest Outstanding on all the Mortgage Deeds to be Carried to the Credit of the Province in their next Account,	3316 17 10½
	<hr/>
	£5803 12 0¼

And the Trustees Credits the Province for Outstanding Interest at the Settlmt. with the Committee, Augt. 1734,	2786 16 11
And by a Careful Examination of all the Mortgage Deeds in the Office, We find that the Interest arising thereon for the last Year amounts to the Sum of	2220 7 7½
And Broken Interest received since last Settlemt.	259 8 —
Balance due to the Trustees,	536 19 5½
	<hr/>
	£5803 12 0¼

We do further Report, that we have sunk and Destroyed, pursuant to the Act for making Current £40,000 in Bills of Cre- dit to Exchange torn & Defaced Bills of Credit, &c., The Sum of	1924 1 6
Sunk by former Committees, pursuant to the said Act, as appears by last Report of the 12th Aug ^t , 1734,	35020 19 6
Remains in the hands of the Trustees of the s ^d Loan Office, to be Exchanged for torn and Defaced Bills,	3054 19 —
	<hr/>

Which makes the whole sum Struck as above, £40000 — —

Submitted to the Correction of the House By

TOB^N. GOODSON,
ISRAEL PEMBERTON,
THO^S. LEECH,
JOSEPH HARVEY.

The 15 Sept, 1735.

We do farther Report, that we have also Burnt and Destroy'd pursuant to an Ord^r of the House of the 19th of March last, Nine hundred & Eighty Seven Counterfeit Bills of 20s., not Signed, and Thirty Seven D^o Signed, & 853 Counterfeit Bills of 15s. not Signed, all in Imitation of Pennsylvania money; & also 5 Counterfeit 20s. Bills in Imitation of New Castle Currency, amounting in the whole to the Sum of £1668 15, all imported from Ireland, by one Robert Conoway & his Accomplices.

ISRAEL PEMBERTON,
THO^S. LEECH,
JOSEPH HARVEY.

REPORT ON THE PUBLIC ACCOUNTS, 1735.

We, the Committee appointed by Ord^r of Assembly to Audit and Settle the public Accounts, Report :

That We have examined the Provincial Treasurer's Account, and find that he Charges the Province with Sund ^r Orders of Assembly drawn on him, produced to and Examined by the Committee, amounting to . . .	£208	8	5
Paid to the Gov ^r the Assembly's Ord ^r in part, for his Support for the Cur ^t Year, . . .	600	—	—
And to James Logan, Esq., an Ord ^r of Assembly for his Salary as Supreme Judge of this Province, . . .	100	—	—
And to the other two Judges, p ^r D ^o Ord ^r , £50 each, . . .	100	—	—
To the King's Attorney, p ^r D ^o Ord ^r , his Salary, . . .	70	—	—
To Indian Treaties, as p ^r Acc ^{ts} , . . .	145	3	7
To his Commiss ^{rs} on the same, . . .	61	3	7½
Ballance due to the Province, . . .	796	3	4

£2080 18 10¼

And that he Credits the Province, by Balance of last Year's Account, Settled with the Committee Aug ^t 12th, 1734, . . .	267	7	1½
By Jn ^o Hyatt, Coll ^r of the Excise for the County of Philad ^a , . . .	1440	—	—
By Jn ^o Owen, Coll ^r of D ^o for Chester County, . . .	222	—	—
By Jn ^o Hall, Coll ^r of D ^o for the County of Bucks, . . .	40	12	—
By James Mitchell, a Ball ^e due to the Province from him as late Coll ^r of Excise for the County of Lancaster, . . .	45	10	3
By D ^o as present Coll ^r of D ^o , for the s ^d County of Lancaster, . . .	16	—	—
By Caleb Coupland, late Coll ^r of Excise for the County of Chester, in part of what was due to the Province, . . .	20	—	—
And by Indian Treaties, . . .	29	9	6

Makes Sum total as above, £2080 18 10¼

We have also Examined the Accounts of John Hyatt, Coll ^r of Excise for the County of Philad ^a , and find that he Charges Sund ^r Sums paid the Provincial Treaser, since the Commencemt. of ye Act., amounting unto the Sum of . . .	2040	—	—
Paid for a Copy of the Excise Act, . . .	—	15	—
For advertising the Contents of the s ^d Act, . . .	1	—	—
And Debts Outstanding, as p ^r List Exhibited, . . .	44	11	9
His Commiss, on £1909 13 — a. 10 p ^r Ct. . .	190	19	3

£2277 6 —

And that he Credits for the whole amount of the Excise for the City and County of Philad^a from Jan^y 25, 1733, to Jan^y 26, 1734, as appears by ye Several Entries Examined by the Committee,

By fines and forfeitures, amount to	1830	12	3
Bill ^e due to the s ^d Coll ^r , which he is to Charge in his Next acct.	79	—	9
	367	13	—

Makes ye Sum totall as above,

£2277 6 —

We have also Examined ye Acct. of Jn^o Owen, Coll^r of Excise for the County of Chester, and find that the Excise of all the Liquors Entered from 25 Jan^y, 1733, to the 26 of Jan^y, 1734, for the s^d County, amounts to the sum of

£347 4 4

And that he hath paid sun^y Sums into the Provincial Treasurer's hands, amounting to the Sum of

222 — —

Paid for Advertisem^{ts}

15 —

& prosecuting James Wilson,

1 9 —

His Commiss. on the above Sum at 10 p^r Ct.

34 14 5

Ball^e due to the Province to be carried to next acct

88 5 11½

£347 4 4½

That the Collr. of Excise for the County of Bucks had not perfected his Accts., And the Collr. for ye County of Lancaster did not appear, so that the Settlemt.. of their Accounts must be referred to the next Committee.

That the Accounts of Charles Read, late Collr. of Excise and Duty on Negroes, remains as at the last Settlemt., Augst. 1734, which the next Committee are to take notice of

That the Ballance due to the Province from Estate of Owen Roberts, Deceas'd late Collr. of Excise, &c., Remains unpaid,

£358 3 9

That there is due to the Province from Caleb Coupland, late Collr. of Excise for the County of Chester,

£12 17 6

And due from Nathan Watson, late Collr. of Excise for the County of Bucks,

123 15 1

And Bonds and Accounts he put into the King's Attorney's hands the Sum of

46½ 4 4

And that there lyes in the Provincial Treasurer's hands for fines & forfeitures,

10 10 —

Submitted to the Correction of the House by

TOBⁿ. GOODSON,
ISRAEL PEMBERTON,
THO. LEECH,
JOSEPH HARVEY.

The 15th Sept^r, 1735.

GOV. OGLE TO GOV. GORDON, 1735.

Sir :

I take this Opportunity by Mr. Dulany, of answering your Letter of the 25th of June, in which I shall be very short, the long Argument therein set forth, being fitter for Merriment, a Way in which my worthy friend Mr. Logan, owned your Political State Letters are sometimes writ, than to be answered in a serious manner. And, indeed, you yourself, confute what has taken up so many Pages by One plain Question, Viz: that if each Govern^t is at Liberty to determine their own Pretensions, what must be the Consequence of such Proceedure? To which the Answer is very plain, nothing but Violence and Confusion: for this Reason it was, when I found it impossible for Us to agree about runing any Lines, concerning which We had such different notions, I made the Proposal You take Notice of, to Mr. Hamilton and Mr. Georges, & which I still think was a reasonable one, and very proper to preserve the Peace amongst his Majesty's Subjects of the two Provinces, to which Proposal you say you find those two Gent^{rs} joined, but sure you cannot be in earnest when you say so, for I have it under their hands, that they insisted upon a Line being actually run according to your own Pretension, to which they added they would join with Us in a dutiful Application to his Majesty, to take Our Differences into Consideration, but it was likewise with a Proviso to this Purport, that We should join with your Government in a Prayer to his Majesty, to decide them in your favour, how this was, as you say, joining with my Proposal, and endeavouring to render it more effectual, none of Us here can at all comprehend, therefore I must look upon it as a specimen of that extraordinary Way of reasoning, which the Gentlemen of your Government seem so strongly attached to, that I fear our Superiours in England, only will be able to perswade you out of it; tho' I must confess, at present you seem to give very little attention to what is doing there, how otherwise could You, after what has passed before his Majesty in Council, propose to us to run out any Line or Lines, not only in direct Contradiction to that Claim which Lord Baltimore out of a just Confidence in the Justice of his Cause has laid before such August Judges, but even to the very full of your own Pretensions. This Proposal of yours however, strange it must seem to every impartial Judge, is certainly all You offer in your Letter now before me, as Terms upon which We may expect a Cessation of your present Hostilities, for tho' in the Close of it You desire to know what I would propose on this head, You have previously declared that You must always insist that without fixing some Limits; that is I suppose running some Lines, nothing else can be of any manner of Use, since each Govern^t, would still be at Liberty to interpose their Protection where and when they thought convenient, the plain meaning of which is, that nothing

* See p. 447.

will content You, but the actual running out of the Lines according to your own Pretensions, since I suppose You will not pretend to be willing to run them out after the manner Our Proprietor is now contending for in England; since then it is impossible for Us to agree about running any Lines, have We no other Way to preserve Peace between the two Provinces? In my humble Opinion, the Proposal I made to Mr. Hamilton and Mr. Georges, would effectually have done it, but your Government has always thought fit to go upon other Schemes and other Measures, therefore, I must always insist upon it, & hope I shall be able to make it out very clearly, whenever I shall be called upon so to do, that all our Riots and Disturbances, the Death of the poor Man that has already happened, and all the Mischief which may still follow, must be wholly imputed to your Governmt, who may whenever You please, put an end to all the Injuries which the Borderers are daily offering One another, by coming into Our pacifick Measures, & waiting with Patience for the final Determination of all Our Disputes, which are now in a fair way of being decided in some reasonable time, His Majesty having been graciously pleased to give a great furtherance to the Affair by his late Order in Council.

As to your Request of having Captⁿ Cresap delivered up to You as an Inhabitant of Pensilvania, it must seem strange even to your self, when You recollect, that at my first coming into the Province, some Indians complained to You of Abuses received from him, both You and your Magistrates, referred them to this Governmt, and You were at the Pains of setting forth many Inconveniences which might follow, if We allowed any of Our People to use the Indians ill, and according to your Recommendation, We sent for the Indians to Annapolis, and made them Satisfaction at a great Expence; if any thing has since happened to deprive him of the Protection of this Governmt, I should be obliged to You if You would point it out to Us, till then I must look upon him, to be as certainly within Maryland, as any other Inhabitant We have, & indeed the Treatment he has had, shews sufficiently to what Governmt he belongs; if any Man under your Govern^t, should be attacked by Ruffians in the Night, to the apparent Danger of his Life, and he should have the Misfortune to kill one of them in his just and necessary Defence, would you call it Murder? No, certainly, unless You acted after a manner that no other Govern^t in the World ever yet did, nor can I find what other Effect your using his Lordship's Tenants after this Manner can have, but the further encouraging of such Desperate Fellows, to go on in the same sort of Villanys; in the present Case, in your Letter to me, You owned it to be a very unjustifiable and illegal Attack, that those People made upon Captⁿ Cresap's house, without the least Authority from your Governmt, tho' I find the whole of the Affair was not laid before You, since You affirmed, they had no fire arms, whereas, a loaded Pistol which missed Fire, was actually taken from One of them, and is now in the Possession

of some of Our People. I find you have likewise been very much misinformed, as to the Character of the Man, for by the best Information I can get from People of undoubted Credit, he is a very sober and modest Person, and has been particularly careful, since I came into this Province, to give No Offence to any Person under your Government; nay, I believe, I may appeal in this Matter even to some of your own Gentlemen, particularly to Mr. Steel, who of all whom We had the Honour of meeting at Newcastle, seemed to be best acquainted with him; however I hope, he will always have Resolution enough to defend himself in Case any unjust Attack should be made upon him, in which Case I will be so free as to declare that I think my self obliged to countenance and support him to the very utmost of my Power; it will not be improper in this Place to take Notice of One strange Contradiction in your Letter, to prove Joshua Minshull, not to belong to Maryland. You affirm that he never owned its Jurisdiction, or held under its Grant, by which One might conclude, when You demand Cresap to be delivered up as an Inhabitant of Pensilvania, that he had either owned its Jurisdiction or held under its Grant, yet he is not only in the Circumstances you mention, but has likewise lived for many years under a regular Grant from Maryland, in the very Place where he now lives, and where I found him at my coming into this Country, whereas, Minshull, has long since the Other seated himself there, very probably to raise Disturbances, but as he himself owned, without any Grant from Pensilvania.

I have enquired into the Affair of the Affidavit You sent me, and am really concerned any body can be so profligate, as to make such a One, so notoriously false to the Knowledge of many People, and hope I shall be able to satisfy You, that all the Indignation You shew upon that head, ought to fall only upon the Authors of it, who can be wicked enough to cook up such Affidavits, and encourage poor fellows to swear to them, is hard for me to guess, but I cant help desiring You to make a proper Enquiry into the truth of the Affair, making no Question but you may find it out very easily, if you set some honest impartial People about it.

In the Affair of Mullen, and the Others concerned with him, You cannot but be sensible, that what you have done, falls much short of that Satisfaction which I had reason to demand upon that head, the Affair was highly aggravated by some of your Magistrates, joining in it, and putting the poor fellow in Jail, where he lay till he made his Escape. This I look upon as a material part of my Complaint, it being very certain, that if Magistrates on either side, are suffered to act thus violently and illegally, without the manifest Displeasure of their respective Governments, no other Measures whatsoever, will be sufficient to preserve Peace, and yet to this Part of my Letter You have not thought fit to return the least Answer.

As to what You say of the Articles of 1732, which I think You mention in no less than five or six different parts of your Letter, I

have very little to answer, nothing relating to them lying now before Us; if You can shew that Equity in them, You pretend to in another Place, it may probably be of some Service to You.

Give me leave before I have done to clear his Lordship of one Imputation You are pleased to cast upon him, as if out of a Diffidence in the Justice of his Cause, he had made his Application to His Majesty in Council, as soon as the Eldest Proprietor of Pennsylvania had embarked on a Visit to that Province; the truth of the matter is, that Embarkation was made so very privately, that it was not so much as known in the City for some time, nor had his Lordship the least knowledge of it, when he made his Application, tho' he actually had informed Mr. Paris some time before, that he would present such a Petition; As no body can know the truth of this fact better than your Proprietors, I can't but think it a little extraordinary that this Accusation of his Lordship should be particularly said to proceed from their Directions, but suppose his Lordship had really known that all your Proprietors had left England, ought that to debar his Lordship from pursuing his just Right? if that had been sufficient to have stopp'd all Proceedings, you might have found out an easier & readier Way of Delay than You have hitherto been able to think of, tho' We flatter ourselves, that every body in England is fully convinced of the Industry made Use of upon that head.

Thus much I have thought myself obliged to say in Answer to your Letter, in which I have been longer than I proposed, when I sat down to write, however, I hope no body will take any offence at any thing I have said, my sole Intention being to perswade You to come into Our pacifick Measures, and to wait with Patience, till we receive the Decision of Our Superiors, to which no doubt, we shall all readily submit. In the mean time, I am sure it can do none of Us any good to be out of humour with one another. I am with very great sincerity and Esteem,

Sr,

Your most Obedient,

humble Servant,

SAM. OGLE.

Annapolis, 15 Septem^r, 1735.

DEPOSITION OF JOHN WRIGHT RESPECT'G M'D., 1735.

John Wright, Esq^r., one of the Justices of His Matys Peace for the County of Lancaster in the Province of Pennsylv^a., being one of the People called Quakers, on his solemn Affirmation according to Law, doth declare and say, that he is possessed of a Tract of Land

* In answer to Gov. Gordon of 25th June, see Archives, p. 447. See Gov. Gordon's answer to this, Oct. 2, 1735, p. 466.

lying on the West side of Susquehannah, opposite to the Plantation whereon he now lives, on the East side of the said River, about seven or eight miles more Northerly than the City of Philadelphia, that he this Deponent having sowed a field of the said Tract of Land on the West side of the said River with Wheat, went with a suitable number of hands, about the beginning of the last fifth month, commonly called July, to reap the same, and while he was thus employed with his Servants, Thomas Cressap, who lives on the West side of the said River and is reputed to be a Captain of Militia in Maryland, came with about twenty Persons, Men, Women & Lads, armed with Guns, Swords & Pistols & Blunderbusses & Drum beating towards the said field, and this Affirmant demanding of Cressap what he meant by appearing in so hostile a manner to the Terror of His Majesty's peaceable Subjects employed about the lawfull & necessary Business of Husbandry. Cressap answered, that as he was informed several Pennsylvanians were come over the River, he was come to fight them if they would think fitt to engage, and at the same time had a drawn Sword in one hand & a cockt Pistol in the other, both which were presented to this Affirmant's Breast, who, as a Justice, having commanded the said Cressap & his Company to keep his Majesty's Peace at their Peril, told them he would proceed on his lawfull Business unless he should be prevented from it by down right force, Which Resolution of this Affirmant as he verily believes & his commanding the Peace had some Weight with the Numbers attending Cressap, who seemed then unwilling to proceed to Hostilities; and this Affirmant further says that the Intention of the said Cressap to prevent this Affirm^t from reaping his field & carrying off his Grain, was abundantly manifest by his the said Cressap's having brought Sundry Waggons with him in which he purposed, as this Affirm^t believes, to carry off the said Grain.

JN^o. WRIGHT.

Being interrogated by Dan^t Dulany, Esq^r., Attorney Gen^t of Maryland, Whether Thomas Cressap & his People did not assist him, this Affirmant in carrying off his Grain? The Affirmant answered that Thomas Cressap with those who were armed, being gone out of the field, the Persons to whom the Waggons belonged offered readily to assist this Affirm^t. in carrying it to the side of the River, since they said they were disappointed in carrying it where it was first intended.

The foregoing Deposition and ye Interrogatory and answer thereto were taken in ye Supreme Court of Pensilvania held at Philad^a. ye 24th of S^{hr}., 1735, Daniel Delany, Esq^r., Attorny General of ye Province of Maryland, being present.

See Col. Rec. vol. iii. p. 664.

Gov. GORDON TO GOV'R. OGLE, 1735.

SIR :

Having received yours of the fifteenth ult*, by Mr. Dulany, which you are pleased to begin with declaring the arguments in my last of the 15th of June fitter for Merriment than to be answered in a serious manner. I might from thence be well justified in a Resolution to give neither myself nor you any further Trouble on the Subject, tho' it is most certain there can be none, that in our respective Stations, more immediately demands our strictest attention (however light you may make of it) than the Preservation of His Majesties Peace & securing to His Subjects under our Care the enjoyment of it in their Liberty and Possessions, which His Sacred Majesty undoubtedly requires & will expect at our hands: Yet as the rest of your Letter, after that admirable Preamble, consists generally in charges of Inconsistency & Contradictions, I shall here tho' very briefly lett you see how unjustly they are placed.

You say that indeed I my self confute the whole with one plain Question, that if each Government is at Liberty to determine their own pretensions what must be Consequences of Such Procedure? And pray, Sir, is there any one point that I have more laboured with you than that we should, without prejudice to the Proprietors on either side, agree on some known Limits for our respective Jurisdictions & administring the Powers of Government for preserving Peace and preventing such Violence & Confusion as you mention till such time as the Boundaries of the Provinces shall be actually settled, or till His Majesties pleasure can be known. But what have been the Returns to it? One dilatory proposition that could give no present Relief so greatly wanted to the oppress'd, and another, that without some previous Agreement for determining what was to be accounted the Borders, would prove wholly impracticable. But as you goe on to make Constructions of equal Candour on the Proposals made by Mess^{rs}. Hamilton & Georges at Annapolis, in May, 1734, which none, who duly consider them, will find they can justly bear, there will be a Necessity to sett those Transactions in a clearer & more public view than your Representations place them.

To what follows of the mighty Regard you seem to expect we should pay to Lord Baltimore's Proceedings in England, I shall in respect to his Character forbear to speak in the Language some others might use, and only say, that you may assure yourself He will be duly attended and spoke to in a proper manner on every motion he makes there, and tho you are pleased to mention the great Furtherance (you say) His Majesty has been graciously pleased to give the affair, by His late Order in Council, yet we shall not make the least doubt but that the Court, before whom it now lies, & which is now actually possessed of it, will put us in a very clear way to decide, whether the Constant Endeavours I have used for procuring Quiet to His Majesties Subjects by our agreeing on some Limits for our Ju-

* See p. 461.

risdiction deserves the Treatment it has mett with, as also whether your late Triumphs stand on any juster Foundation than your charging us with all the Hostilities that have been committed, (I must not say on our Borders for I do not see you allow us any) after Murphy, Minshel, Hendricks, the two Rothwells, Farmer, McDowell, Black, & others had been violently forced to help peopling your loathsome Goals, & some of them without so much as any Crime laid to them, loaded with Irons, and all this before any of those Incendiaries, however they merited it, who are encouraged to dignify themselves with the Title of Marylanders, ever saw the inside of one of our Prisons, in which, however, when they doe see them they find humanity is practiced & a due Regard & Tenderness shewed to Human Shape: But if we should find you attempt to prove this you cannot but know it will be no Surprize to us, after the great Instances we have seen of your Ingenuity in putting Constructions, of which you may now probably have also the Honour of the Opinion of the ablest Judges past on them: yet you may possibly have in it no better Success than has been generally found to attend such undertakings.

What next follows on your mentioning Cressap, that it must appear strange even to my self that I should account him an Inhabitant of Pennsylv^a, when I reflect that at your first arrival, on the Complaint of some Indians, both the Magistrates & I referred them to that Government. I beseech you, Sir, to tell me where I shall find out this to reflect on it. Happy it is that writing vanishes not like words in air, but may still be referred to and produced as an unvarying Evidence. By this means I have still by me every word of that seasonable & I think most civil Letter to you on your first coming in relation to our neighbouring Natives, which deserved a much more generous Return than the use now made of it, to witt: a manifest perversion in that Letter thanking you for the Information you had given me, that there was an Agreement entered into between the Proprietors for fixing their Boundaries, of which we knew nothing here, but that it was rumoured from Maryland the Lord Baltimore had given up some part of Cecil County, for which he was to have a Compensation beyond Susquehannah, & if so it was possible the Land Cressap lived on might fall to Maryland, weh without some such new Concession it was conceived it could not. I added in that Case the Care of those Indians would be devolved on you, which was then incumbent on us. But was this true of the Agreement? if not the other was & remains true that Cressap's Settlement neither does nor can belong to Maryland, and the Application I then made to you was evidently to convince you only, that such Fellows ought not to be countenanced by any Authority whatever; and this it seems is what I am to reflect on & think our Pretences Strange, a term that all Mankind who hear of your Inferences would justly apply to them.

Of the same kind also is your charging me with a Contradiction in that to prove Joshua Minshal not to belong to Maryland. I affirm he never owned its Jurisdiction or held under its Grant, by which

you say one might conclude when I demand Cressap to be delivered up as an Inhabitant of Pennsylvania, that he either owned its Jurisdiction or held under its Grant. But pray why would you not be so just to me as to give my whole sentence? to witt: that mentioning Minshall, I say WHO NEITHER IS OR EVER WAS AN INHABITANT OF MARYLAND, *never owned its Jurisdiction or held under its Grant*, and I constantly say that Cressap is in his present Settlement without Regard to what Jurisdiction he thinks fitt to own an Inhabitant of Pennsylvania, & make not the least doubt he will be found so on the great Decision. This Logick, therefore, of inferring a Contradiction in what I have said in my Letter must, I conceive, appear no less strange to all others, as I hope on further reflection it will appear to your self, than it does to me who ever have been & must continue unacquainted with every such System.

Speaking of that Man's Behaviour (for whose Character you ought not to have appealed to Mr. Steele who declares he never heard his name before his Settlement where he now is on Sasquehannah, but it is plain how that was intended,) I said that Behaviour was so brutal that I hoped none would attempt to justify it; but my hopes I find were too sanguine, for with you he is a sober, modest Person, and the Affidavit you say was cooked, which I find was indeed true, as any Man might readily believe in the word Ravish, for it was not very probable one of his Character would use it on the Occasion. No, he bestowed not two Syllables on it, but made one serve in the most vulgar & obscene word of our Language, which those who took the Affidavit were too modest & sober to blacken their paper with; and for the truth of the Fact, his Behaviour & that Expression it will readily be attested by three or four Evidences more who were present, & will abundantly prove that Article of his Modesty which is undoubtedly equal to his Humanity & Honesty, one remarkable Instance whereof he gave in going last Harvest, with a Number of Men & Women armed, together with several Waggons, into Mr. Wright's Wheat field, while his People were reaping, in Order to carry off his Corn; but finding he would meet with too much Opposition for him, tho' they had only their Sickles, that he might shew his Prowess told them he was come to see if they would fight him, And this is the sober Person whom you say you think your self obliged to support to the utmost of your Power. But well it is we have Superiors who . . . can & will judge between us, & be able to discover the real Truth of Facts through all Coverings & Disguises however artfully thrown on them, & there I find these matters must issue.

In the mean time as the important Point I have constantly laboured with you has been to agree on some immediate measures by which His Majesties Peace might be preserved & his Subjects secured in the Enjoyment of it, for which end Mess^{rs}. Hamilton & Georges took their Journey to Annapolis, & there attended you in May, 1734, which you now in your last Letter tell me may be effected by my

coming into your pacifick measures. I doe, therefore, here in the most direct & express terms call upon you to tell me what those pacific Measures are, for I solemnly protest I am wholly ignorant of any such that ever were proposed by you with the least appearance of a Probability that they could answer that great & good End: For as I have observed, your first Proposition to these Gentleⁿ was evidently dilatory, & the other without some previous measures taken, (since you are for extending your Borders twenty or thirty miles further than had ever been known for the reputed Limits of our Settlements & Jurisdiction,) would by reason of the vast Crouds of People yearly poured in upon us from Ireland & Holland, who fill every vacant Spott they can find, produce infinitely more Confusion & Distraction than we could pretend to cure by it. But I hope you have some others which I most earnestly request to know, & I beseech you to communicate them.

On the affair of Mullen, in Kent, I here inclose the Copies of two Letters I received from the Magistrates of that County, which will fully shew the Disposition of those concerned on both sides, and if any of ours were of Opinion that a run away covenanted Servant when he was on the Spott ought to be detained, tho' the means used to recover him were altogether wrong & condemned by them. I cannot yet see that an Error of Judgment in such a Case can require any great Severity, nor have I yet found how the Detention hapned; but due Care was taken to secure the Offenders in order to be delivered to your Officers when called for, which as yet they have not thought fitt to do. But you are misinformed, I find, in saying the Man escaped out of Goal, for he was taken out, & as I am told gave his Master the Slip when they were making a new Agreement. And I must further observe to you that tho' we highly differ in Sentiments relating to Proprietary Affairs, yet it is really surprizing you should give such constant Proofs of your Resolution to quarrell with us on every the minutest occasion that can be laid hold of, & straining them beyond what they can in comon sense by any means bear. A Senseless fellow that happened to live in one of our Counties, of no Character, nor known but amongst his Neighbours, without other thought than how to recover his Interest inconsiderately entered your Province, & without due Authority from your Governmt, which as I said he might very probably have had in case he had duly applyed for it, committed some Violence, and what if he had been a Marylander would the Case have so widely differed, but upon this the Man was taken up, and were the place of Action within our Cognizance he would have been called to Account for it, as you are at Liberty to do whenever you shall think proper to receive him. But nothing it seems will satisfy while there can be the least Colour found for further Difference. I assure you, I think it neither more concerns me nor this Government than if he had come out of Virginia, further than to order & see that all legal Steps should be taken in it, & I cannot but think, in such Cases at least of meer Indiffer-

ence to our Cause, you should remember more of what you express in the Close of your Letter, that you are sure it can do none of us any good to be out of humour with one another, which I must own is with what follows the only Sentence I find in your Letter consistent with what becomes our Characters, and if I have been obliged to give it a suitable answer it is exactly the Return your Treatment of us calls for ; but I most sincerely wish you would induce your self to believe that a method of treating on Subjects between us widely different from that you have chose, would much better answer the Discharge of our respective Duties, which being confessedly to preserve Peace amongst His Majesties Subjects, we ought in the first place carefully to observe the most consistent measures with it between our selves.

But I am now to proceed to say, that if all the Violences committed are our crimes, we are now further deplorably guilty of having our High Sherif of the County of Lancaster, while in the due Execution of his Office, if not actually murthered, yet reduced to a Condition that his Life is much questioned as the inclosed Affidavit will fully shew, which to prevent the further Imputations of Cookery. On the Undersherif's coming to town in the term of Our Provincial Court, when your Attorney General Mr. Dulany was here, was there taken in his Presence and he was requested to cross examine the Deponent. If any should pretend to alledge the Sheriff was out of his place in going over the River, it will ever be insisted on that as those parts which now make the County of Lancaster were ever in the possession & under the Jurisdiction of this Government since its first Settlement, nor did Maryland at any time claim any part of them many miles to the Southward of Conestogoe that I have ever heard off, till two or three Straglers came up thither in the year 1730, whom you, after your arrival, thought fitt in 1731-2 to claim as your People at the very time you were pleased to acquaint me of the Agreement entered into between the proprietors in England, & from thence all the Enroachments since made there have been encouraged to the utter Overthrow of that Tranquility which had ever till then happily subsisted there. I say, it must & will constantly be insisted on, that notwithstanding any such new measures, those parts are within Pennsylvania, & therefore as Subject to the Jurisdiction of its Government as ever ; & that it cannot but be accounted a most high presumption in any Authority in America to Attempt any Change or Alteration in the Case ; but more especially at this time, when the whole affair is under the Cognizance of the High Court of Chancery of Great Britain. The Sherif was in the due Execution of his Office, serving Writts on Debtors only, and all attempts used to put a stop to the Current of Justice must be allowed in the highest Degree Criminal, & cannot fail if represented to our Superiors in Britain, to meet with the Censure due to them. But surely it must be unnecessary to use any words to shew the unjustifiableness or the Flagrancy of the Action. What I am now to demand is, that if the unhappy

Man be yet alive & in the power of any under your direction, that you would immediately cause him to be restored to his Liberty, [& if any of those Offenders should, as some on the like occasions have done, pretend to shelter themselves under the Protection of Maryland, I shall expect that the Officers of this Governmt. who have received Orders to seize & committ them, in order to bring them to Justice, will on no pretence of that kind be prevented from doing their Duty.]*

It would give me a good deal of Pain if I could suffer my self to believe that your late unexpected Progress to Minshal's house on Sasquehannah had given Encouragement to those who are Seated thereabouts to resist the Lawfull Powers of this Governmt., & thereby to lay a foundation for further Commotions & Disturbances, of which some will have the present unjustifiable Outrage to be an earnest. It would have been but kind in you to have acquainted me with your Intention of entering this Province & continuing in it so long, in which Case I would have done my self the Honour to have received you as Gentlemen of your Publick Character are on such occasions entitled to. 'Tis true, indeed, when I heard of your being there, it was impossible for me then to attend you, being under so severe an Indisposition that my Recovery was much doubted. I would, however, have given Directions suitable to the Occasion, being with Sincerity & Esteem

Sr., Your most obed^t humble Serv^t.

Philadelphia, Octobr 2^d, 1735.

P. S.—The above was finished at the time of its date & would have been then forwarded, but being desirous to know with Certainty what was become of the poor Man it has been delayed till now that I find he is obliged to visit Annapolis & thereby become himself the Bearer of this.

P. G.

October 17th.

Indorsed.—"Copy Govr. Gordon's Letter to Govr. Ogle, Oct. 2, 1735."

REPLY OF GOV. OGLE TO GOV. GORDON, 1736.

Sir:

I received your Letter of the 2^d of October,† by Mr. Buchanan, and was very sorry to see it wrote with such an unusual warmth, at a Time when mildness and moderation are so much wanted, to preserve Peace upon Our Borders, nor can I find what it was in my Letter of the 15th of Septemr, that could give so much offence.

* In the margin opposite to the words in brackets, are written "to be left out."

† See Colon. Records vol. iii. p. 614.

It is very true, I could not help laughing at your Proposal of putting an End to all Differences about our Lines, by running them out according to your own mind, nor can I yet persuade myself, that many People could look very gravely at the making of such a One; besides several other Arguments in your Letter, to which mine was an answer, & are really of such a Nature, that it was almost impossible to answer them seriously.

Some People may indeed think, that Gravity and Solemnity are necessary Ingredients in all Correspondence between Governors, but without taking on me to determine what Proportion of those may make them more becoming, I can't help thinking you a little too severe, in allowing so few Sentences in my last Letter consistent with Our Characters. Truth and Reason will at all times have their Force, in whatsoever Dress they appear, and I cannot but be pleased, to find that what I advanced, was so supported by them, as to remain firm and unshaken by any thing set forth in your Letter now before me, as I shall endeavour to show in a manner that I hope, can't reasonably be found fault with.

You had wrote me a long Letter of the 25th of June, the greatest part of the reasoning of which I apprehended to be quite destroyed by One plain Question of your own, viz: That if each Government is at Liberty to determine their own Pretensions, what must be the Consequences of such Procedure? To which I said the Answer was very plain, nothing but Violence and Confusion; that therefore, since it was impossible for Us to agree about running the Lines, concerning which We had such different Notions, I endeavoured to shew the Necessity of waiting with Patience, till the Affair should be decided by Our Superiours in England, and of entering in the mean time, into some reasonable measures to preserve the Peace among his Majesty's Subjects of the two Provinces.

I likewise endeavored to shew the Unreasonableness of your Proposal, to have the lines run your own way for the ending of all Disputes, that tho' You proposed them to be run with a Salvo to each Proprietor's right, yet they were still to be run to the very full of your own Pretensions; that You did not pretend to be willing to run them after the Manner that Lord Baltimore contends for, and that this Proposal of yours, as strange as it must appear to be, was yet the only one you ever offered me as a condition, on which I might expect a Cessation of your present Hostilities.

Now let Us see what You say in Answer to this. These are your Words:

"And pray Sir, is there any one Point that I have more laboured with You, than that We should without Prejudice to the Proprietors on either side, agree on some known Limits for our respective Jurisdictions, and administering the Powers of Government for preserving Peace, and preventing such Violence and Confusion as You mention, till such time as the Boundaries of

"the Provinces shall be actually settled or, till his Majesty's
"Pleasure can be known."

Consider, I pray You, what sort of an Answer this is to what I said: I never charged you with not labouring to agree on some known Limits for Our respective Jurisdictions, but for your unreasonableness in insisting to have those Limits settled, no other way but by Lines drawn (as I said) to the very full of your own Pretensions: have You so much as attempted to shew that this is not the Case? or that it was so reasonable in You to do so? I had certainly the same Right to insist that Lines should be run according to the Pretensions of his Lordship, with such a Salvo as You mention to the Rights of the Proprietors of Pennsylvania, but being willing to make every Concession that could be thought reasonable, I proposed that the Limits of Our respective Governments should be according to our Possessions, tho' I was sensible that many of those of Pennsylvania, were not only in manifest Violation of his Lordship's just rights, but obtained by force and Violence, as was fully shewn me by two of my Predecessors, whom You have often mentioned as worthy Gentlemen.

I shall next examine if your Reasoning is better in relation to what passed with Mess^{rs}. Hamilton & Georges.

I not only made the above Proposal to them to remain quiet on both sides in Our possessions till his Majesty's pleasure should be known, but in Order to procure as speedy a Determination as possible; I likewise proposed a joint Application to his most Gracious Majesty with Our humble and dutiful Request, that he would be pleased to take into his just and wise Consideration, the Mischiefs arising from the Uncertainty of the Boundaries of Our respective Governments, and determine and fix the same as he in his Wisdom and Justice, should be graciously pleased to order and direct.

To this those Gentlemen answered:

"We are ready on the Part of Pensilvania, (at the same time that
"We agree upon some reasonable Boundaries for limiting the Juris-
"diction of the two Governments,) to join with You in a just Repre-
"sentation to his Majesty, of the Uncertainty of the present Boun-
"daries between the two Governments, occasioned by not executing
"the Articles of Agreement solemnly entered into, and concluded
"between the Right Honourable the Lord Proprietarys of Pensil-
"vania, & Counties of Newcastle, Kent and Sussex, on Delaware, in
"May, 1732, and to pray his Majesty, that he will be graciously
"pleased to interpose and enjoyn the Executⁿ of the said Agree-
"ment, according to the true Intent and meaning thereof, in such
"manner as his Majesty in his great Wisdom, shall please to direct,
"in which Representation, We hope You will readily agree."

This you affirm in your Letter of the 25th of June, was joining with my Proposal, and endeavouring to render it more effectual.

This I said, None of Us here could at all comprehend, and I believe I may, upon the bare Words of my Proposal, and those Gen-

tlemen's Answer, leave it to any Body to decide the Question between us. I am sure it is needless to repeat here, all I said upon this head, since all the Answer You give to it is this :

" But as You go on to make Constructions of equal Candour on the " Proposals made by Mess^{rs}. Hamilton and Georges, at Annapolis, " in May, 1734, which none who duly consider them, will find they " can justly bear. There will be a necessity to set those transactions " in a clearer and more publick View than your Representations " place them."

Which Way of reasoning, I think I may truly say, will equally serve as an Answer to the best and worst arguments that can be made use of upon any subject whatever.

Can anything set those gentlemen's transactions at Annapolis, in a clearer light than their own Proposals under their hands? and as to our Disputes in general, did the Government of Pensilvania ever make a Step to place them, not only in so publick a view, but in so fair & speedy a Way of Decision, as his Lordship has done by his application to his Majesty in Council.

And tho' You seem somewhat displeased at my saying that the late Order of that hon'ble Board, has given a great furtherance to the Affair, yet it certainly has done so, for tho' there was before no Appearance of a begining in Chancery, You own that the said Court is now possessed of it; but the Reflection You make upon it is, I confess, what I do not understand.

" You make not the least doubt (You say) but the said Court will " put Us in a very clear Way to decide whether the constant Endeavours you have used for procuring Quiet to his Majesty's subjects " by our agreeing on some Limits for our Jurisdiction, deserves the " treatment it has met with."

Whatever the Decree of that Court may at last be, it is certainly our duty to preserve the Peace in the mean time, not by constant Endeavours only, but by just and reasonable Ones; and whether your insisting upon Our running Lines according to the Articles of 1732, when nothing relating to them lay before Us, and your refusing to settle the Limits of Our respective Jurisdictions upon any other foot, together with the Proposals of Mess^{rs} Hamilton and Georges, are of this nature, I think may easily be decided without the least regard to the Event of things.

I have thought myself obliged to be so full and particular upon this Affair, because it is certainly the hinge upon which our whole Dispute must turn; for if I have refused just and reasonable Conditions to preserve Peace upon Our Borders till such time as Our Differences can be decided in England, I must frankly own myself guilty of all the Riots and Disturbances that have happened, and all the Imprisonments that poor People have suffered on Account of the said Riots in the two Provinces; on the contrary, I hope You will think it but just they should be charged on you, if such Conditions have been refused tho' offered on the Part of Maryland.

The other arguments in your Letter are of less consequence to the main dispute ; however, I cannot perceive that they stand upon any better foundation than those already considered.

You say, " to what follows of the mighty Regard you seem to expect We should pay to Lord Baltimore's proceedings in England, " I shall, in respect to his Character, forbear to speak in the language some Others might use, and only say, that You may assure yourself he will be duly attended, and spoken to in a proper manner on every Motion he makes there."

Now, you must excuse me for saying that after I had the honour of waiting upon his Lordship, in his journey to Burlington, I have not expected the Government of Pensilvania to pay any extraordinary Regard, either to his Lordship's Proceedings or Person ; nor can I find so much as One Word in my Letter, that can give the least Colour to charge me with so vain an Expectation ; on the contrary, I found myself obliged to clear his Lordship of a most unjust accusation, laid to his charge by the directions (as you said) of the Proprietors of Pennsylvania, and such, I hope, by this time it does appear to yourself, since you have not thought fit to give the least Answer to what I said in his Lordship's Vindication.

I shall not take upon me to determine the Greatness of the Respect You at present show to his Lordship's Character, in saying that You shall forbear to speak in the Language some others might use ; but I am confident his Lordship will be much obliged to you if you can procure that due Attendance in England You promise. Excuses for non-attendance and delay are what he fears most ; provided they are laid aside, I dare say, he will readily leave it to the Proprietors of Pensilvania themselves to speak to him in what manner they shall think fit.

As to Capt^a Cresap, the plain fact is, that upon a Quarrel with some Indians, You sent them to me for Redress, as he lived under this Government ; but this, it seems, was upon some Rumour from Maryland, that Lord Baltimore had given up some part of Cecil County, for which he was to have a Compensaⁿ, beyond Susquehannough. The Story of this Rumour would be answered most properly by some other Story of the same nature. But suppose that it actually had been so in the Articles, would our respective Jurisdictions have been altered before the running of the Lines ? Or how could the case of Cresap be said to devolve upon me on this occasion, when you own, in another place, that he was seated there originally, under the Rights of Maryland, in my Predecessor's time ? But it seems you are so loath now to have him belong to Us, that You retract the Argument made Use of by yourself to prove Minshull a Pensilvanian, because it unluckily proves the other a Marylander.

Speaking of Cannon, whose treatment I had complained of, you say that he was (besides some other things laid to his charge) concerned in the Riot at the house of Joshua Minshull, who neither is,

nor ever was, an inhabitant of Maryland ; never owned its Jurisdiction, or held under its Grant.

This was certainly intended to show that Minshull was a Pensilvanian, and consequently, the said Riot committed within your Province ; therefore, I can't but be much surprized at your now insisting that I mistook your Meaning, and the more so because I find it a way of arguing so very natural to you, that You fall again into it unawares, before you have finished your Letter ; these are your Words :

“ It will ever be insisted on that those Parts which now make the “ County of Lancaster, were ever in the Possession and under the “ Jurisdiction of this Government, since its first settlement, nor did “ Maryland at any time claim any part of them, many miles to the “ Southward of Conestogoe, that I have heard of, till two or three “ Straglers came up thither, in the year 1730,” &c.

The Stress you here lay upon your possession & Jurisdiction, is too plain for me to have Occasion to add any Words of my own ; but after Lord Baltimore's Claim to 40th Degree of Northern Latitude was so solemnly acknowledged to be good by that very Order of Council in 1685, which took from him the 3 Lower Counties, and after the many Arguments made Use of by the Gentlemen of Pensilvania to lessen the Justice of that claim, for you to come and own You never heard that such a Claim was made before the year 1730, I think is a thing of so very singular a Nature, that it cannot but lessen my Wonder at the many other things you have advanced so contrary to the Notions We have in this part of the World.

The Argument relating to Cresap's Character, I think are still more extraordinary than those relating to his residence. You sent me an affidavit, which, if it had been true, would have proved him a very bad man indeed ; but I told you I was really concerned any body could be so profligate as to make such a One, so notoriously false to the knowledge of many People, and recommended it to you to enquire into the truth of the Affair yourself, not at all doubting of your receiving full satisfaction of the falsity of the Oath the poor Wretch had taken. Could any one possibly have imagined that this could give any Occasion to say that I attempted to justify the behaviour set forth in that affidavit, when my words prove the contrary to a Demonstration ? If this had passed in private Conversation, & you had alledged any attempt of mine to justify such behaviour as Cresap's, or perhaps even the worst man in those parts is incapable of, I must own it would have given me the most sensible concern, and laid me under great difficulties how to have cleared myself from a Charge of so strange a Nature. But as my words are in writing, which, as you observe in another place, is an unvarying Evidence, it only raises my Wonder and Surprize, which is the Effect, I am confident, it must have upon every Gentleman who reads the two Paragraphs of our respective Letters.

After this, I must own, I am at a Loss how to express myself concerning Mr. Buchanan whom you set forth in your Letter to be actually murdered, or reduced to a Condition that his Life was much questioned, to manifest the truth of which You sent me an Affidavit, said to be taken with great solemnity, in your Provincial Court. I could truly say that this Affidavit is not only false, but that it must be notoriously so by this time, Mr. Buchanan being ingenuous enough to own the truth freely to every body who is desirous to be informed. But this, it seems, may only serve for a Charge upon myself of justifying the barbarous Usage then sworn to, therefore, I....believe it will be best for me not to intermeddle in the Affair, but to leave it entirely to you to do with Mr. John Powell and his Affidavit, as You think they may in Justice deserve.

I believe every impartial man must allow that every thing You say relating to Mullen, will be very clearly answered by only stating the true Matter of fact.

He and some others come into Maryland, take a poor man forcibly away, and throw him into Dover jail, where he lay about six weeks, when he made his Escape, or as you will have it, gave them the slip and got home again. This was not done only by a senseless fellow (as you say) that happened to live in one of your Counties, of no Character, nor known but amongst his neighbours, but was the deliberate Act of some of your Magistrates; One Mr. Hanson by name, as I am informed, signed the Hue and Cry by which he was taken, and he or some other I presume, must have signed his Commitment. Upon this I had certainly reason to demand satisfaction, it being very plain that if no Discountenance is shewn to Majestrates acting thus illegally, nothing else will be sufficient to preserve Peace. This You have not only thought fit to refuse, but even Mullen himself has not been delivered up to Us to be tryed for his Crime in a legal Way. But Our Sheriff has been amused with One poor Pretence or other, which, I must take the Liberty to say, is a Conduct between two Governments more unfriendly than even a flat Denial to surrender a Criminal.

What has followed shows in what light the illegal Actions of Magistrates, unreprieved, are looked upon by Others acting under authority, for the Sheriff of Kent on Delaware, instead of thinking himself under any Obligation of delivering up Mullen, as you informed me he had Orders to do, has himself given Us a fresh Insult by seizing one Andrew Caldwell, in Dorchester County, and taking him Prisoner to Dover, without so much as even a Pretence that the Place was not within the jurisdiction of this Government. Those repeated Insults are so manifestly wrong and illegal, that I cant help renewing my solicitations for a proper Satisfaction, in the most earnest manner, as it is absolutely necessary to put a Stop to those Proceedings, which it is plain your Officers at present think they are at Liberty to go on with, notwithstanding your disowning them.

At the same time that I find myself under the Necessity of de-

manding Justice against your Magistrates and Officers, I cannot but with pleasure reflect upon the contrary Conduct of those of Maryland, for whatever Our Actions have been on both sides upon Our Borders, which I hope will be judged by others and not by ourselves, it is very certain you cant so much as pretend that any, acting under the authority of this Government, ever did any thing like this Affair of Mullens or Caldwells; and indeed, if we were to proceed in the same manner in Return, You must own it would necessarily throw Us into all sorts of Confusion.

I have now done with answering every thing in your Letter that seems to me to have so much as the Appearance of an Argument, and hope I can't be taxed with a want of proper seriousness upon the Occasion. I fear, on the contrary, I may be liable to much another sort of a Censure. I remember One of your Mathematicians was laughed at, even by the Comon^{rs} of Pensilvania, for making Use of half a dozen logical Arguments to prove that the Area of a Circle, & the Circumference of it, are two different things. I wish too many Words upon some truths equally evident, may not lay me open to some Mirth, which I find You are not always averse to, by what You say in the Close of your letter of my entering the Province of Pensilvania, &c., but to lay aside every thing jocular upon this Occasion.

I must always insist upon it that Cresap & his Neighbours, are within this Province; most of them are seated there by Maryland Rights, never owned the Jurisdiction of Pensilvania, or held under its Grant, (an Argument that is thought to be of the greatest force when it is on your side,) and more than all this, the part where they live is within the bounds of the Royal Charter, granted to his Lordship, and confirmed (as I mentioned before) by that very Order of Council in 1685, by which You pretend to hold the three Lower Counties.

But notwithstanding this Clearness of Justice on his Lordship's side, I am very far from imitating the Gentlemen of Pensilvania, and taking upon me to decide the Question myself. All that I desire is, that poor People may be allowed to go about their own Business peaceably and quietly, and that whenever any Dispute shall arise about any Tenant, on either side, the poor Man may remain unmolested, and that We may agree upon some Method to bring the Affair to a speedy Issue in England, where alone You justly observe all our Differences can be determined.

As You have frequently hinted your Desire to have our Transactions laid before Our Superiors in England, I hope You will take in good Part, my Willingness to join with You; I assure you I have not made a Dispute about One Tenant, which I am not ready to carry over by the shortest legal Method that can be thought of, and will be very willing either to meet your self at any Place, half way between this and Philadelphia, or leave it to our two Attorneys General, to agree upon the best and speediest Method of Proceed-

ing, without hunting or imprisoning any poor man whomsoever, which I think, not only Justice, but common humanity obliges us to, it being a most cruel thing, that poor People, very little interested in the Issue of the Dispute, should be such great Sufferers, for what alone concerns their Proprietors.

Nothing reasonable can be proposed upon this head, that I will not readily come into, not only in Compassion to our poor unhappy Borderers, but out of an earnest desire to cultivate a good understanding between the two Provinces, which I think may very well be maintained without hurting the Pretensions of Our Proprietors on either Side; however, if You should think otherwise, and out of some Sort of Policy, which I cannot comprehend, continue your Methods of forcing poor People out of their habitations for no other Reason, but that they belong to this Province, I have nothing to do, but to endeavour to defend his Lordship's Tenants as well as I can, which I hope will be looked upon even by your self, as my indispensable Duty, and not as any want of Respect, either for the Proprietors of Pensilvania, or your Self, for whom I have a very great Esteem and Regard, which I shall constantly shew by my readiness to take hold on all Opportunities you give me of promoting that good Understanding, which is so much wanted amongst Us in the meantime, beg leave to remain,

Sir,

Your most Obedient,
& most humble servant,
SAM. OGLE.

Annapolis, 6th Jan^r, 1735-6.

P. S. Notwithstanding your Refusal to agree to the Proposal I made formerly to Mess^{rs}. Hamilton & Georges, I cannot help recommending it once more to your serious Consideration. You cannot but be sensible that it would have prevented all the mischief that has since happened, and will still prevent what may otherwise follow, which I hope will be of Weight enough to determine You, if You can think of any thing more reasonable, I assure You I shall readily come into it.

Indorsed—Gov^r Ogle. Jan^r 6th, 1735-6.

REPLY OF GOV. GORDON TO GOV. OGLE, 1736.

Sir :

I received yours of the 6th of January, several weeks after its date, when reduced to a State of Weakness, that rendered me unfit for the Consideration of any Business, but more especially of that

sort, and now, when by God's Blessing, I am restored to some strength, I must own my self very much at a Loss how to sett about an Answer; for it has at all times been doing a Violence to my Nature, to enter into Contents managed otherwise than with Candour & Plainness, Qualities equally agreeable I hope to both our Dispositions, tho' you'l pardon me, if I cannot think these have been so abundantly evident on your part as might have been wished for.

I was at the pains in my last to point out divers Misconstructions (to use the softest Expression) in your former, & now in return have only Refinements on the same, but when the Glossings are pared off, the bare matter of Fact stands without variation just as it did before; it is therefore in vain to contend about words only. We both very well know the true state of the Case, & our Alterations will no way alter it; but if your Letters are intended, as 'tis very probable they may for a more publick View, since no Representations of that kind can influence the real Merit of the Cause with those who are to judge of it, I shall be very little concerned what Pains are taken to dress them.

Whether what I have said above be just, will clearly appear from what follows.

Your Letter now before me, not only continues to charge us, as your others generally did, with Hostilities, &c., but would load us with Blame, for not entering (you say) into your pacifick measures. Now you cannot be insensible, that in my Letters from time to time exceedingly pressed, that some such might be entred into between us, or need you be informed that Mess^{rs}. Hamilton & Georges, were in May, 1734, sent from this Government on purpose to treat with you at Annapolis, on no other Subject, than to agree on some measures by which Peace might be preserved between His Majestys Subjects on both sides, & to gett four of our People released, that were then kept stifed up, & almost suffocated with Stench in your unwholesome Goal amongst Malefactors, on no other Pretence we could ever hear of than these Disputes about our Limits: And when you were pleased in your Letter of the 15th of June, to use the same words (your pacifick measures) I could so little comprehend what these were, that I was obliged to write thus: "I do therefore here, in the most direct & express Terms, call upou you to tell me what those pacifick measures are, for I solemnly protest, I am wholly ignorant of any such that ever were proposed by you with the least Appearance of a Probability, that they could answer that great & good End." This solemn Call has now I find made you more explicite, by offering a Proposal, "that the Limits of our respective Governments, should be according to our present Possessions," which indeed carries some Colour with it, & what that is, we shall see anon; but as you still insist on it as a great Absurdity, and a fitt subject for Mirth, that those Gentlemen offered to joyn with you in an Address or Petition to His Majesty, praying Him to

cause the Lines agreed on in the Articles to be run, I must first examine on which side that Absurdity lies.

The Gentlemen were sent to Annapolis to treat of Measures for establishing present Peace amongst His Majesty's Subjects on both sides, & to gett those poor Men released from the loathsome Durance they were kept under, but far from directly answering this, end you proposed that they should joyn with you in a Representation to His Majesty, & to what Purpose? You well know Mr. Hamilton had been present at every Conference between your Commissioners & ours, for executing the Articles by running the Lines agreed on. You could not but know that yourself, and all your Commissioners, at all those Conferences, & on all other Occasions in Conversation with any of us, always professed the most Sincere Inclinations on your parts, to run these Lines, if the Sense and Meaning of the words of the Articles could not be agreed on, & by those Gentlemen's Report delivered under their hands in writing at their Return, you were pleased, even at that time when sitting with your Council, to declare to them that this had ever been your sincere Intention; nor could you be ignorant that the last Paper mutually signed by yourself, & your & our Commissioners, in Nov. 1733, at Newcastle, "referred the Conduct of the Commiss^{rs} on both sides, & their Endeavours used towards the Execution of the afores^d Articles of Agreement to the Justice & Wisdom of their Superiours." Now, since instead of joyning in some present Measures for preserving Peace, which was the principal End of their Journey, you unexpectedly proposed that tedious Method of an Application to His Majesty. On what foot do you think it possible the Gentlemen could ever join with you, but that on which the Conferences were ended, the then last preceding November? Could you imagine, after so many professions of your Sincerity, & repeated even at that time, they could be so weak as to think that Agreement was wholly to be laid aside? or could you wish them so false to their Trust, as in such a manner to betray it? What Foundation then sir, could you have for your Mirth, surely, you would not yourself, furnish us with even the remotest Hint, that you thought we deserved to be laughed at, if we could imagine you in earnest; but be that as it will, the Subject in my Opinion is none of the most proper for Mirth, & we on our part are no way disposed to such Diversion.

I heartily wish you would be pleased to drop that Humour of magnifying the Lord Baltimore's late Proceedings, for the Case is too clear, & so well known, that no Body need speak to it here. His Lordship after many years Consideration (you must own from 1724 to 1732 at least) entred into a solemn Agreement, which afterwards by a very particular Management was endeavoured to be rendered ineffectual, he then petitioned the King for a Grant of those Counties he had but a litle before released all Claim to, which I would rather chuse to avoid mentioning, but my principal End in it is to tell you, that tho' you have so often taken Notice of this, as a

Step to give us Peace & end all Differences about our Borders, yet you very well know from the Copy of that Petition, that there is not one Syllable in it of these Differences, nor of procuring Peace to the People, nor of our Borders, nor is the Province of Pennsylvania so much as once named: Nor can we here discover what Reason his Lordship has to fear new Attendances & Delays, from our Proprietors in the Court where the Case is now depending, for I assure you Sir, if the Accounts we have are to be relied on, those Fears are so intirely groundless, that I am perswaded you would not have mentioned them, had you been apprized of some Rules of the Court, Copies whereof are in our power to shew, which would not have been necessary, if his Lordship had been inclined to use such Dispatch, as you would insinuate. I therefore, again beseech you, lett you & me wholly drop this part, & come to the main Point between us, which is giving Peace to His Majesty's Subjects, that they have so long, and you know by what means been kept out of.

And since you have now proposed your Terms for it, lest you should still go on to suppose, that our Claims to our Southern Borders are founded solely on the Agreement, so often, & to be yet oftener mentioned, I must first crave leave to state the Case between us, as it truly is, that when we see our Ground before us, we may make our Steps more sure in our Endeavours, to gain the great Blessing. And it is thus:

King Charles the first, granted to the Lord Baltimore, the Province of Maryland, extending Northwards to the 40th Degree of northern Latitude, in the manner expressed in his Patent, at a time when the true Latitude of those parts was not well understood, but it can be incontestably made appear that the Grantee himself claimed by his said Grant, no higher than the Head of Chesapeak Bay. In the year 1680, King Charles the Second granted to Mr. Penn, the Province of Pennsylvania, bounded Southward by a Circle of twelve Miles round Newcastle, & to the Westward of that Circle by the same 40th Degree; Mr. Penn coming over in 1682, with great numbers of People to settle his Province, & the then Lord Baltimore, Son to the first Grantee, being at the same time in Maryland, & willing to fix his northern Boundary, came up not long after in person, to the Mouth of Octoraroe Creek on Sasquehannah, causing Colonel Talbot to begin there, & run a Line from thence Eastward to Delaware; after this was done, he in 1683, sent the same Gentleman, Colonel Talbot, at two different times, with two several Commissioners to this Government, to demand the Possession of all the Lands lying on the West side of Delaware to the Southward of that Line, leaving both times authentick Copies of his Commissions, & no further Settlement being then made, from that time the Mouth of Octoraroe was reputed by the Inhabitants of those parts on both sides, to give the northern Limits of the one, & the Southern of the other Province; & accordingly our People as they had occasion to extend their Settlements, took peaceable Possession of the Lands to

the Northward, & generally held them as peaceably for above thirty years, nor did these few, who had sate down more northerly, on pretence of Rights from Maryland, occasion any Difference of moment, for this Government would never distrust any Man that would live peaceably amongst his Neighbours.

In the year 1723, the present Lord Baltimore had some meetings with our Proprietors, to have the Boundaries fully and effectually settled, but as they did not then conclude on the Terms in February, 1723-4, they mutually agreed by a written Instrument, "that for avoiding all manner of Contention or Differences between the Inhabitants of the said Provinces, no Person or Persons, shall be disturbed or molested in their Possessions on either side, nor any Lands be surveyed, taken up or granted, in either of the said Provinces, near the Boundaries which have been claimed, or pretended to, on either side," & it was therein agreed, that the same should be published in their respective Provinces by Proclamations; which Agreement, tho' it was but temporary, & limited to the time in which it was then thought a final one, might be perfected, yet the Equity of it still remaining till that could be effected, it was punctually observed on our parts in respect to those Limits, & every where else, as far as our Orders were obeyed. But by one means or other, the final Agreement was delayed Seven years longer, then the terms were fixed, an East and West Line agreed on to the northward of that we were formerly bounded by, & after nine months yet longer Consideration, the Articles and Writings were duly executed, and Commissioners appointed for actually running all the Lines, & all possible Provision was made for the Ease and Quiet of the Inhabitants that might be effected by this new Agreement on either side; and why these Articles were not put in Execution, yourself of all Men best knows. But as nothing is more certain, than that the two Provinces, what ever Jangling there may be about it, must necessarily bound on each other, & have some Limits fixed, unless we are perpetually to quarrell, which can never be tolerated amongst Subjects who are on both sides equally entitled to the Protection of their Sovereign, & as we had for about fifty years lived in the main in good Neighbourhood, after which a solemn Agreement was concluded. Let any impartial man of but common Sense, judge between us, what Limits for our Jurisdictions & preserving Peace amongst the People, can be more rationally proposed, while that Agreement is in Dispute, than those that were in being during the time the Proprietors on both sides, had it under Consideration, which as has been said was no less than for eight years together, Or, since the necessity of a final Determination not only still continues, but daily encreases upon us, could any such Person imagine that an agreement for putting an End to all our Differences, should because you did not like it, entirely destroy our Peace, & yet this is what you have laboured. For before the year 1731, about the time of your arrival, there was not one Person that we know of settled

by a Maryland Right on the west side of Sasquehannah, within many miles of Conestogoe, & but very few, if any at all, on that side to the Northward of the Limits we had possessed on the East side of it for about thirty years before; and, even when that Wretch Cressap, whom I have so often been obliged to mention, settled with one or two, or his Associates above Conestogoe on the other side, they came thither only as Straglers, as far as we could ever learn, but happening to sitt down on a Tract, which according to the Representation of the Persons claiming it sent me by yourself in 1732, was taken up by one of them in the year 1729, their seating there, tho' so very lately was laid hold on to claim a Possession, And thus about the same time your Proprietor was releasing all Claim to the northward of a determinate Line, you began yours near twenty Miles to the Northward of that Line, & so much within this Province, & from thence was Occasion taken to begin your Quarrells.

For when one of these Straglers, who had killed several Horses belonging to one of our trading People, who for many years before had wintered his Gang there, & unmercifully beat & abused a poor Servant that had been sent to look after them, was taken up for the Outrage, by a Warrant from one of our Magistrates, whose Right to send one thither had not before been questioned or doubted, you well know what ensued, what Menaces for the first Salutation, from the Lord Baltimore on his arrival, what Treatment given our Proprietor after a most amicable parting at London, what Proclamations promising fifty pounds a Man for apprehending those concerned in executing that Warrant, tho' the place lay above 15 or nearer 20 miles without the Limits his Lordship had sett to himself, under Hand & Seal, the May before. Nor besides this Occasion for a Quarrell laid on the West of Sasquehannah, should we find it any difficult Tas^k to shew that the Fray in Dorset County, had a like Original. Further to carry on the same Designs, at the very time you were making the highest Professions of the most sincere Intentions on your part, to put the Articles of Agreement in Execution, tho' you could not but well know all those Lands round where Cressap was seated, lay far without your Limits, as agreed by these very Articles, which you pretended yourselves willing to execute, you went on in encouraging the settling of them as a part of Maryland, took possession as far as you could of them all, & to awe and terrify our People from interfering with your Design, you took up harassed, cruelly imprisoned, and after many Courts Attendance, fined some of them for only disowning your Proprietor's Title to the Lands they had peaceably taken up & lived on under ours, above twenty miles to the northward of those Boundaries; for I never yet could learn you had any other Pretence against Minshall; and then to crown all, lest your Settlers should be dispirited by the Acco^t brought over last Fall, that His Majesty in Council had referred the Dispute between our Proprietors to the Court

of Chancery, you went up yourself in Person to animate & encourage them, for this I have since been informed was your Business, & that the bringing of your Surveyors thither, was to strengthen by new Surveys, which they were to make, those sham ones that Cressap had pretended to make before.

Thus having most injuriously extended your Settlements on the West of Sasquehannah without Limitation, not only twenty, but upwards of thirty miles Northward of the Boundaries of our Jurisdiction that we have always been possessed of on the East side, & near as many of the Line agreed on by the last Articles, & many miles beyond what your highest Pretences, were you to have the utmost Inch could give you, tho' you well know that one streight east & West Line must divide both sides of the River, & notwithstanding you would never before hearken to any Terms for present Peace, nor propose or agree to any methods for obtaining it, than what has been shown, were either dilatory or wholly impracticable. You are now pleased in your Goodness not only to propose, but press your Terms on me, and what are they? Only that we would own your Jurisdiction over all those Possessions, you have for these four years past been wrongfully usurping, since the Agreement between our Proprietors, which expressly disclaims every foot of them; that is in plain terms, that while we know those Articles of Agreement, in the Opinion of the ablest Council in England are in Force, that His Majesty with the Advice of his Council, instead of hearkening to the Lord Baltimore's Petition, referr'd his Lordship's own Agreement to be tried in the proper Court for it the Chancery, & while it is depending there, I would here in direct Contradiction to the express terms of it, acknowledging your Jurisdiction over all the Incroachments you have made in open violation of it. That this is the true Sense of your Proposals for Peace must be very obvious & plain to every common Capacity.

If you say, you ought not any more to accede to my Proposals of limiting our Jurisdictions by the Articles, than we do to yours, for that while we assert them to be in Force, you as strongly deny it; I beseech you, Sir, to consider that what I press is, that those Limits should remain that subsisted while the Proprietors on both sides had the Agreement under Consideration; the Reasonableness & Equity of which must & will be left to others to judge of; You joyn, 'tis true, to your Proposal, a Salvo for the Proprietor's Rights, but I must begg your Pardon, if I can by no means think, that sufficient as the Case now stands in Relation to the Articles in Suit, whatever Terms it should be conceived in, Nor can you, I hope, take it amiss if I say, you have taught me to be the more cautious by the Treatment I have met with from you, since you very well know the Use you have endeavoured to make of my only telling you in a very civil Letter, that if what we heard was true of the Agreement, the Abuses Committed by Cressap on the Indians might fall under your Notice; nor can you expect I should forget on such an Occasion, on what foot it was you were pleased to charge me with a Contradiction in

relation to the Settlement of Henricks & Minshal; I could indeed be better pleased never to think more of any thing of this kind if you would give me leave.

But how hard is it, that while your last Letter would seem to carry the Olive Branch, there should, notwithstanding, be so much Gall in it, as to continue loading us with Blame without any manner of Foundation as I can discover; when you still goe on to say, in relation to Mullen, that your Sherif has been amused with one poor pretence or other, meaning, as your following words imply, that your Sherif has divers times applied to have the Man delivered to him, but has still been amused by poor Pretences, when I cannot learn that he was ever so much as once demanded by your Sherif. And again, in the same Letter, you bring another charge against us, alledging that our Sherif of Kent has given you a fresh Insult, by seizing one Andrew Caldwell in Dorchester County, & carrying him Prisoner to Dover, when the Truth of the Fact, as the Sherif affirms, & refers to Caldwell himself, for it is this, that Caldwell absenting himself, the Sherif went into Maryland to speak with him, told him he came not thither as an officer to take him, for he had no Authority there, but expostulated with him, upon which the Man voluntarily offered to return with him, and accordingly accompanied him: Now, if this be a Crime, you may as justly make it one that we are Neighbours, & I heartily wish you would give us more Reason to be proud of being so. Thus your whole conduct towards us has run in the same constant Strain of Unkindness; you have unmercifully harassed, imprisoned & fined our People without ever hearkening to any Terms of Accommodation, till you could compleat your Design of extending your unlimited Possessions, & now on what view it is that you propose Peace is abundantly evident from the preceding.

But it is, Sir, an indispensable Duty we owe to His Sacred Majesty to provide for & secure the Peace of His Subjects, & as we are by His Gracious Approbation as well as by our Commissions in our respective Stations, at the Head of Government, the only End of which is the Administration of Justice, it is no less incumbent on us to observe the Rules of this in respect to each other as well as to every other Person subjected to our Care or Notice, Therefore let us with a Candour becoming our Characters labour to discharge these Duties, with such Honour & in such a manner as may most effectually recommend us to His Majesty, by imitating, as far as in us lies, His glorious Example whose constant Study, incessant Care, & indefatigable Labours, are not only to give & preserve to His own People the great Blessing of Peace but to procure the same to all His Neighbours: In order to which between us, I propose as a Preliminary to be immediately executed, that we should mutually discharge those Persons on each side who are now respectively bound over to our Courts, of whom those under Bail to ours are the first & only Persons (save one who was immediately discharged) that ever were taken up by us, & then endeavour every other proper measure for avoiding all Molestation to any of His

Majestys peaceable Subjects on Account of these Disputes about our Limits, who render themse'ves not otherwise obnoxious: Nor can I suppose the first part of this Proposal, for discharging those Persons is new to you, because I find our Chief Justice by good Authority proposed the same to your Attorney General, when here at our Court in September, which was the first that those Persons appeared at, & renewed it more expressly to him at our last in April; A Compliance therefore with this, as it will be one good Step towards mutual Peace, so it will be a proper Proof of the Sincerety of our Intentions, & of our Desire to procure it.

Having already run into a Length beyond what I intended of which you will easily see the Reason, there being some other parts of your Letter that would require to be spoke to I must be brief upon them; Your Captain T. Crassaps Character, notwithstanding all the Colourings bestowed on it, stands just as it did, his Guilt is the same it was first represented to you, of which further Proofs are to be had. I should not I find have given you that Instance of my Candour, in sending my Letter by Mr Buchannan himself just as it was first wrote on viewing Powels Affidavit, but the Truth of the Fact is evidently this—that the Man was violently assaulted & abused but had too much Spirit & Courage to complain, & therefore made the more light of it, and that Powel being very differently affected made the most of it but he not only persists in the main of his Affidavit, but the other two Persons who were in Company nearly agree in the same.

Before I conclude, I find myself obliged to take Notice to you of an Account I have lately received from Sasquehannah that on the West side of it, that fertile Source of Contention & Disquiet, a considerable number of those who are there protected by you as Inhabitants of Maryland got together armed, & proceeding in a warlike & hostile manner with Drum & Trumpet entered on the Lands upon which some of our Inhabitants are settled, & began to survey them in Right of Maryland, but these Appearances not having their intended Effect of intimidating our People who appeared in Defence of their just Right, yours did not think fitt to proceed to farther Acts of Violence; I have directed a full Enquiry to be made into this matter of which I may probably say more hereafter, but in the meantime I cannot help remarking on the Inconsistency of this Procedure, with those late Overtures of Peace you have made to us.

Nothing would give me a greater Pleasure than to see a good understanding between the two Provinces re-established, and to have an Opportunity of changing those disagreeable Subjects, that have so wholly engrossed our Correspondence, for others more suitable to the Regard I have for yourself & the Esteem wherewith

I am, Sir, Your most obedient and very humble Servant.
Philadelphia, May 15th, 1736.

* See Gov. Ogle's answer, May 22, next page.

GOV. OGLE TO GOV. GORDON, 1736.

Annapolis, 22^a May, 1736.

Sir,

I have received yours of the 15th* of this Month, wherein I was in hopes You would have endeavoured to answer the several Parts of my last, but instead of that, I find you have thought it proper to enter into a long Detail of many things, which can be of no manner of Use towards our coming to any Agreement amongst Our selves. Our Business here at present is not to enter into long Disputes about the Merits of the Cause, That is before our Superiours in England, but I am sure it is our Duty to preserve the Peace in the mean time, which Point I have always laboured with You but in vain, and find You now further off of it than ever, for before You will vouchsafe to give any Answer to my Proposals so often repeated to You, You seem to insist upon it as a Preliminary that a Stop should be put to all Proceedings against such Persons as have been guilty of Riots and Disturbances within this Province; And what may We expect to follow then? perhaps a Renewal of your Proposal to put an End to all Disputes by running the Lines as You would have Us, and upon Our Refusal, a Repetition of the Injuries and Insults We have hitherto met with, for I must own to You sincerely that I can see nothing in your Letter to give me hopes of any better Terms.

I wish with all my heart that all our Endeavours may be sufficient to preserve Us from future Injuries, but whatever of this Sort may happen, I can think it no way becoming me to give any Encouragement to it by interrupting the Course of Justice against Offenders. As to any of Our People who are bound over to your Courts, I desire no favour for them, but Justice is what I have a Right to expect, therefore hope You will give Directions to Your Judges to take Example by Ours, who do not think them selves at Liberty to delay, any more than to refuse, Justice. The Treatment Mr Rumsey met with makes me Say so much, and I must own I have such an Opinion of Your Justice and Candour, that I think it unnecessary to Say more; if Judges in either Province can find a way to make the very Tryal of any Man a heavy and grievous Punishment to him, I cannot see how Innocence can avail any One, but all such Injustice I hope will be discountenanced by You, as I assure You it always shall by me.

I am extremely concerned to hear You have been so much out of Order, but hope by this Time You have recovered your former State of Health, which I wish You may long enjoy, being with great Sincerity,

Sir,

Your most Obedient and
very humble Servant,

SAM. OGLE.

Directed. To the Honourable Patrick Gordon, Esq.*
Governor of

* See it page 487.

Pensilvania.

WARRANT TO TAKE T. CRESSAP, 1736.

To the Sherif of the County of Lancaster, & to all Constables & other His Majesty's Officers within the said County, Greeting :

WHEREAS Complaint hath been made to Us that Thomas Cressop, late of the said County, Labourer, has with armed Force & a Multitude of People, assaulted one Knoles Daunt, an Inhabitant of the said County, and in further Prosecution of his said Violence did discharge a Musquet against the said Knoles Daunt, loaded with Powder & Ball, thereby giving to the said Knoles Daunt a mortal Wound, of which he for some time languished & then died, AND WHEREAS the said Thomas Cressop is also charged before us with having committed divers other high Crimes & Misdemeanors, THESE ARE therefore, in His Majesty's Name, strictly to charge & command you, as before this time We have frequently Commanded you & every of you, that immediately upon sight hereof, You & every of you apprehend the said Thomas Cressop, & under safe Conduct convey the said Thomas before us, to be dealt with according to Law.

Given under Our hands & seals, this twenty fifth day of September, 1736, in the tenth year of His Majesty's Reign.

J^{ER}. LANGHORNE, [L. S.]
THO. GREEME, [L. S.]*

Indorsed.

Warrant to Arrest Thomas Cressop, on a charge of Murdering Knowles Daunt.

DEPOSITION OF ROBERT BARBER, 1736.

Be it Remembered, That on the Eleventh day of September, In the Tenth Year of the Reign of our Sovereign Lord George the Second, King of Great Britain &c., Annoq Dom. 1736, at the City of Philadelphia, in the Province of Pennsylvania, in America, Before me, William Allen, Esq^r, Mayor of the said City, Personally appeared Robert Barber, of the County of Lancaster, in the Province of Pennsylvania aforesaid, Yeoman, Who being one of the People called Quakers, upon his Solemn Affirmation according to Law, did Declare and Affirm, That he, this Affirmant, was on the West side of

* This probably terminated their correspondence as Gov. Gordon died at Philadelphia, August 5, 1736. He was temporarily succeeded by James Logan as President of Council and afterwards by Gov. Thomas.

† See Col. Rec. Vol. IV. p. 109.

Sasquehannah River, on Sunday last, where sev^l of the Inhabitants of the Province of Maryland, to the Number of about Three hundred, all Armed in a Hostile manner, under the Command of several Officers of the Militia of Maryland, with Beat of Drum and Sound of Trumpet Marched up to the House of John Hendricks, Scituate in the County of Lancaster, about Six Miles to the Northward of the said City of Philadelphia, That some of the Magistrates of the said County of Lancaster being at the House of John Wright, Jun^r, a small distance from the said Hendricks' House, Demanded of Colonel Edward Hall, who was said to be the Commanding Officer, the reason of his and the said Company's coming up there in so Hostile a manner, That the said Hall told the said Magistrates that they had no Orders to treat with any of the Magistrates of Lancaster County, that it was by the Governor of Maryland's Order that they came up there, and that thirteen Companys of the Militia of Maryland were Muster'd, and that Twenty Men with Officers were taken out of each Company, and that the said Hall refused to give any further account, That on Tuesday last, several of the Inhabitants of the said County of Lancaster, came to the Magistrates of the said County very much Terrified, and Complained that some of the aforesaid Company of Armed men, had forcibly broke into their Houses and threatned to burn them, and took from them several pieces of Linnen.

In Testimony Whereof I have hereunto set my hand and have Caused the Publick Seal of the said City to be Affixed, the Day and Year first within written.

ROBERT BARBER, [L. s.]

Affirm'd Before

WILL. ALLEN, Mayor.

Indorsed.

11th Sept, 1736. Robert Barber's Affirmation relative to the Marylanders coming in a Hostile manner to the West Side of Sasquehannah, in the Province of Pennsylvania.

2. DEPOSITION OF R. BARBER, 1736.

Robert Barber, of the township of Hempf^d, in the County of Lancast. & Province of Pennsylvania, Yeoman, Being One of the People called Quakers, on His solemn Affirmation according to Law, Saith that on the Sixth Day of May Last the s^d Affirm^t was at the House of John Wright, Jun^r, on the West Side of Sasquehannah River, that on Notice Some Persons were Surveying Land along the River Side, this Affirm^t with Some Others went to meet them, where

* See Col. Rec. vol. iv., p. 64.

a man whose name was said to Be franklin, with a surveying Instrument, was taking a Course up the s^d River. Joseph Ogle & Thomas Gwin Carrying the Chain after Him, & Thomas Cressap with about twenty Men Armed with Muskets, Pistols, Blunderbusses & Cutlasses. The s^d Affirmant Demanded of the Surveyor By what Authority He survey'd that Land, & was Answered by L. Baltimore's, the Affirm^t told him that Land had Been Surveyed Long Agoe & Regularly Returned into the Land Office, in Philadelphia, the s^d franklin reply'd He Should not regard that, the Affirm^t Demanded why he brought all those Armed Men. He Answered, Ask Cap^t Cressap, upon which the Affirm^t put the Same question to Cressap, Who replied He had Orders from Gov^r Ogle to Raise the Militia & Guard the Surveyor from the Pennsylvanians while he Surveyed that Land; the Affirm^t Demanded of franklin why he Came So far North, 6 or 7 miles Beyond any of their usual pretentions, that they allow'd the 40th Degree to Reach Phil^a & no further, But that now he was Got Several miles to the Northw^d Even of that, franklin Said He supposed the West Line from Phil^a Came near the Mouth of Conestogoe Creek, which this Affirm^t allowed, & asked franklin if he knew where that was, who Answered Yes, for he had made Some Observations himself, & had Began Over against the Mouth of Conestogo Creek & Run a Line West as far as Conegachege, upon w^{ch} this Affirm^t told him He must know for a Certainty that he was Surveying in the Province of Pennsylvania. He answered the Detirmination of that was none of his Business, But to follow the Gov^r of Maryland's Orders, which were to Survey all the Lands from Sasquehannah to Codorus. Thomas Cressap, upon Seing Some more persons Coming from the House Afs^d towards the River, Ordered his trumpeter to Sound & his Men to Draw together & stand to their Arms, altho not any of the Company with the Afirm^t or coming from the house af^d had Any Arms at all, Except One Gentleman, a Hanger by his Side. This Affirm^t personally knowing most of Cressap's Men, Ask'd them what they would do with their Arms, to which question Some Answered You had not best trye us, & Others s^d we will Shoot the first Man who shal Molest the Surveyor, Upon which the Affirm^t, with Pen & Ink, upon a piece of Paper, wrote the Names ffollowing of Persons who were Actually there, viz—franklin the Surveyor, Mark Evans, John Morris, Michel Risener, Henry Hendricks, Jacob Herrington, Edw^d Evans, Tobias Anspag, Conrad Strickler, Philip Crever, Christⁿ Crawl, fredrick Lever, Jno. Kellis, John Low, Thomas Gwin, Joseph Ogle, Methusalem Griffith, Thom^s Cressap, And William Cannon, that some of the affirm^{ts} company told the Last named William Cannon they were Glad to see him there in that posture, (for he was Armed) & his Recognizance would be forfeited, at which the said Cannon Laughed & Said he did not regard that. Before the Companys parted there came in ten or twelve More of Cressap's Men, Mostly Armed, And After

Having Insulted the Affirm^{ts} Company, the Surveyer & his Company past on & which Affirmation Afs^d was taken at Hempf^d afs^d, in the afs^d County of Lancaster, this 20th Day of Septembor, 1736, Before Edward Smout—One of His Majestys Justices of the Peace for the said County.

ROBT. BARBER.

EDWARD SMOUT.

Indorsed. Affidavit Robert Barber.

SUBSTANCE OF ANSWER OF DUTCH TO GOV. OF MD., 1736.

That being greatly oppressed in their Native Country, principally on Account of their Religion, they resolved, as many others had done before, to fly from it. That hearing much of the Justice & Mildness of the Govern^t of Pennsylvania, they embarked in Holland for Philadelphia, where on their Arrival they swore Allegiance to K. George & Fidelity to the Proprietors of Pennsylv^a & their Govern^t. That repairing to the great Body of their Countrymen settled in the County of Lancaster, on the East Side of Susquehannah, they found the Lands there generally taken up & possessed, & therefore some of them by Licences from the Proprietors of Pennsylv^a, went over that River & settled there under their Authority, & others accord^s to a common practice then obtaining sate down with a Resolution to comply as others should with the terms of the Govern^t when called on, but they had not been long there till some pretending Authority from the Govern^t of Maryland, insisted on it that that Country was in that Province, & partly by Threats or actual Force & partly by very large Promises, they had been led to submit to the Commands of that Govern^t.

[But in this part they must speak for themselves, for we are not sufficiently acquainted here with their Case to put it into words for them.]

That first one Morris Roberts, pretending to be a Deputy Surveyor under Maryland, came & run out Lands for them, after which Cresap told them those Surveys were not valid, but that he had Authority to lay them out, then one ffranklin telling those Facts as they truly were.

[He took pay of them, but it proved all a sham, for he understood nothing of the Survey^{rs} Art.]

Yet notwithstanding all these Impositions they had neither Grant nor Warrant, nor would any of those Surveyors, real or pretended, give them one Line of a Certificate, Plot or Draught, nor had they any thing whatever from Maryland more than the bare possession to

* See Colonial Records, vol. iv. p. C4.

claim by, and as any of those who came to survey were obliged or otherwise, they at their own Will & Pleasure turned the possessors off & put others in their place. This uncommon & cruel Usage put them on considering what could be the Reason of it, & when they observed that their Countrymen on the Eastern Side of the River had been settled under Pensilv^a about 25 years, many miles more Southerly than their Habitations lay, & great Numbers of others we found lived many more miles beyond these, without any Claim made on them from the Province of Maryland. We also saw that it was impossible the River Susquehannah could be the Boundary of the two Provinces, therefore could not but conclude the Governm^t of Maryland did not believe these parts belonged to that Province, & to Us for many Reasons it appeared impossible. We could not therefore but believe our Selves obliged in Conscience in the honest discharge of the solemn Engagem^{ts} we had entred into at our first arrival in Pensilv^a, to return to our Obedience to its Proprietors as soon as we discovered we were truly seated within its Limits, and accordingly from our own Convictions and without any Solicitation or Perswasion from any Person or Persons of that Governm^t we came to this Resolution, and as what we did was in true Sincerity of heart we thought our Selves obliged in the first place to notifie it to the Governm^t of Maryland. [Is this Fact?]

Now this being our Case, that on the one hand we are perswaded in our Consciences we are clearly within the Province of Pensylv^a, & therefore cannot but expect to loose our Possessions & Improvem^{ts} if we now pretend to hold them under the L^d Balt., and on the other hand from the military Force lately sent against Us from Maryland, we are threatned to be treated by that Governm^t like Rebels & Enemies to our Gracious Sovereign King George, to whom we have Sworn Allegiance, if we do not, against those manifest Convictions of our Consciences, disown the Right of the Proprietors of Pensylv^a to what we truly believe belongs to them, & resist the Authority of that Governm^t, which were we resolved to do, yet we should not be able, We offer it to the Governor's Consideration whether the treating of a parcel of conscientious, industrious & peaceable People, like Rebels, for no other Reason than Because we cannot own a Jurisdiction within the Limits of which we very well know we cannot, where we now are, possibly be seated, & because we are convinced of the Mistakes we had been lately led into by the false Assertions of Persons of no Credit.

This, our just Representation, we lay before the Gov^r of Maryland with all Respect, & hope He will have a due Regard to us under our p^rsent Circumstances & Seituation, and we on our parts assure him that we do not only wish Peace & Prosperity to Maryland, & that the Controversy between that Province & Pensylv^a may be justly & speedily determined, but that in the mean time we shall live peaceably & quietly so long as we are permitted by that Governm^t

so to do, without giving any just Cause of Offence to the Gov^r or any of his People.

Indorsed.

Substance of the Answer from the Dutch to the Gov^r of Maryland, 1736.

INDIAN DEED.—LANDS ON SUSQUEHANNAH.

To all People to whom these presents may come. Kakiskerowane, Tagunhuny, Caxhaayn, Kuchdachary, Sawceyatecos, Sachems or Chiefs of the Nations of ye Onondagoes; Kanickhungo, Tagachskaholoo, Sagoyatondackquas, Ashcoalaax, Hetquantayechta, Sachems or Chiefs of the Senekaes; Sayuehsanyunt, Sunaratchy, Kanawatoe, Tecochtseegherochoogoo, Sachems or Chiefs of the Cayoogoes; Saliscaquoh, Shecalamy, Tahashwangeroras, Sachems or Chiefs of the Oneydoes, and Sawantga & Tyeros, Sachems or Chiefs of the Tuskaroros, Send Greeting: Whereas the late Proprietary of the Province of Pennsylvania, W^m. Penn, Esq^r., Soon after his first arrival in his said Province, took measures to have the River Susquehannah, with all the lands lying on both sides of the same, purchased for him and his heirs of those Indians of the five Nations, Inhabiting in the Province of New York, who claimed the p^pty thereof, and accordingly did purchase them of Coll. Thomas Dongan formerly Gov^r of New York, & pay for the same, Notwithstanding which the Indians of the five Nations aforesaid, have continued to claim a Right in & to the said River and Lands; nor have those claims been hitherto adjusted; whereupon, the said Sachems or Chiefs having with all the others of the said Nations Met the last Summer at their great Council, held in ye Countrey of the said Onondagoes, did Resolve & Conclude that a final Period and Conclusion Should be put to all Disputes that might possibly arrise on that Occasion; and having appointed the aforementioned Sachems or Chiefs as Plenepotentiaries of all those Nations, to repair to Philadelphia in ord^r to Confirm the Several Treaties of Peace which have hitherto been concluded between them and the said Province; and also, to Settle and adjust all Demands & Claims that have been heretofore made, or hereafter may be made, touching or concerning the aforesaid River Sasquehannah, and the Lands lying on both sides thereof; and the said Sachems or Chiefs of ye 5 Nations aforesaid, having for themselves and on behalf of the said Nations, renewed & ratified the Treaties of Friendship and Peace subsisting between them and the said Province, Did afterward proceed to treat and agree with the hon^{ble}, the Proprietaries thereof, about the said River & Lands. Now know ye, that in consideration of, the premises afs^d, and of the several Quantities of Goods herein mentioned, viz: 500 pounds of powder, 600 pounds of Lead, 45 Guns, 60 Strowd water match Coats, 100 Blankets, 100 duffle match

dackquas, Ashcoalaax, Hetquantagechta, Sachems or Chiefs of the Senekaes ; Sayuehsanyunt, Sunaratchy, Kanawatoe, Tecochtseegherochoo, Sachems or Chiefs of the Cayoogoes ; Saliscaquoh, Shecalmy, Tahashwanganoras, Sachems or Chiefs of the Oneydoes, and Sawantga & Tyeros, Sachems or Chiefs of the Tuskaroras, or any of them, or of any person or persons of, or belonging to the five nations of Indians aforesaid, To HAVE & TO HOLD the said River Sasquehannah, and the Lands lying on both sides thereof, and the Islands therein contained, hereditaments and premises hereby granted and Released or mentioned, or intended to be hereby granted and Released, and every part and parcel thereof, with their & every of their Appurtenances unto the said Proprietaries, John Penn, Tho^s Penn & Rich^d Penn, their Heirs Successors & Assigns, To the only proper use and Behoof of the said Proprietaries, John Penn, Thomas & Richard Penn, their Heirs, Successors and Assigns forever, so that neither the said Kakiskerowane, Tayunhuny, Caxhaayn, Kuchdachary, Sawceyatecos. Sachems or Chiefs of the Nations of ye Onondagoe ; Kanickhungo, Tagachskaholoo, Sagoayatondackquas, Ashcoalaax, Hetquantagechta, Sachems or Chiefs of the Senekaes ; Saguehsanyunt, Sunaratchy, Kanawatoe, Tecochtseegherochoo, Sachems or Chiefs of the Cayoogoes ; Saliscaquoh, Shecalamy, Tahashwanganoras, Sachems or Chiefs of the Oneydoes, and Sawantga & Tyeros, Sachems or Chiefs of the Tuskaroros, nor any others of the said five Nations of Indians, nor their or any of their heirs, successors or assigns, shall, or may at any time or times hereafter, have claim, challenge, or demand any right Title, Interest or property, of, in, or to the said River Sasquehannah, lands on both sides of the same, Islands contained therein, hereditaments and premises hereby granted and Released, or mentioned or intended to be hereby granted & Released, nor any part or parcel thereof, But of and from the same shall be Barred, and forever Excluded by these presents; and that the said Proprietaries, John P., Thomas P., and Rich^d P., their Heirs, Successors and Assigns, shall, and Rightfully may, from time to time, and at all times and seasons, forever hereafter, quietly and peaceably, have, hold, occupy, possess, and Enjoy, all and singular, the Said River Sasquehannah, and the Lands lying on both sides of the same, and all the Islands therein, with the hereditaments and premises hereby granted and Released, with their and every of their Appurtenances, without the Let, Trouble, Hindrance or Molestation of the said Kakiskerowane, Tayunhuny, Caxhaayn, Kuchdachary, Sawceyatecos, Sachems or Chiefs of the Nations of ye Onondagoe ; Kanickhungo, Tagachskaholoo, Sagoayatondackquas, Ashcoalaax, Hetquantagechta, Sachems or Chiefs of the Senekaes ; Saguehsanyunt, Sunaratchy, Kanawatoe, Tecochtseegherochoo, Sachems or Chiefs of the Cayoogoes ; Saliscaquoh, Shecalamy, Tahashwanganoras, Sachems or Chiefs of the Oneydoes, and Sawantga & Tyeros, Sachems or Chiefs of the Tuskaroros, or any of them, or any others of the Indians of the five Nations aforesaid, or any other person or persons claiming or to claim the same, or any part thereof, by,

from or under them, or any of them, according to the true intent & meaning of these Presents.

In Witness whereof the before named Sachems or Chiefs, for themselves and on Behalf of all the People of the five Nations aforesaid, have hereunto set their Hands and Seals, the Eleventh Day of October, in the Year of Our Lord One Thousand Seven Hundred and Thirty Six, and in the Tenth Year of the Reign of King George the Second, over Great Britain, &c.

Signed Sealed and Delivered

In the Presence of

JAMES STEEL,
JAMES LOGAN,
CLEM. PLUMSTED,
A. HAMILTON,
THOMAS FREAME, Jun.,
WM. PLUMSTED,
CHAS. E. WILLING,
EDWD. SHIPPEN,
JOSEPH SHIPPEN,
WM. LOGAN,
JAMES STEEL, Jun.,
JAMES READ,
RD. ASSHETON,
JOHN GEORGES,
THOS. FREAME,
CONRAD WEISER,
Interpreter,
TOBIAS SHEWELL,

Onondagoes.

KAKISKEROWANA, his X mark,
TAGUNHUNTY, his X mark,
CAXHAAYN, his X mark,
KUCHDACHARY, his X mark,
SAWEGATEKOE, his X mark,
by his fr^d TAYGUNHUNTY,
SANEYUSKOE, his X mark,
CANAUNGOE, his X mark,
CAHOOPYEEOH, his X mark.

Senekaes.

KANICKHUNGO, his X mark,
AYACKSAGEE, his X mark,
alias TAGACHSKAHOLOO,
HANNYHARUNGGUAS, his X mark,
SAGAYATONDACUAS, his X mark,
by his fr^d KANECKHUNGO,
ASHCOALAX, his X mark,
HETQUANTAGECHTA, his X mark.

Oneydas.

TECOCHTSEEGEROCHGOO X mk.
SALISKAGUOH, his X mark,
SHEKALAMY, his X mark,
TAHASHWANGARORAS, his X mk.

Tuskaroras.

SAWUNGA, his X mark,
TYEROS, his X mark.

Cayoogoes.

SAGUCHSANYUNT, his X mark,
SUNERETCHY, his X mark,
KANAWATOE, his X mark.

City of Philadelphia, ss :

BE IT REMEMBERED, that on the twenty Seventh Day of June, in the Year of our Lord one thousand seven hundred thirty seven, Before me, Clement Plumsted, Esq^r, Mayor of the City of Philadelphia, and one of the Justices of the Peace of the County of Philadelphia, personally appeared James Steel and William Plumsted, two of the Witnesses to the within written Deed, who on their several Affirmations did Solemnly declare and say, That they were present and saw all the Indians within named Sign, Seal, and as their voluntary Act, deliver the within written Deed, for the Uses, Intents

and Purposes therein contained, And also that the several other Persons whose Names are within written as Witnesses to the said Deed, did likewise in the Presence of these Affirmants Sign the same. Witness my Hand & Seal of the s^d City, Day and Year aboves^d.

JAMES STEEL,
WILLM. PLUMSTED.

[L. S.] CLEM. PLUMSTED, Mayor.

Entred in the Office for recording of Deeds, for ye City & County of Philad^a, in Book G. Vol. 5. p^a 277, &c., The Seventh Day of May, A^o Dⁱ, 1741. Witness my Hand & Seal of my Office aforesaid.

[L. S.] C. BROCKDEN, Rec^{dr}.

Indorsed.

Pre-emption deed or contract of October 11th, A. D., 1736. D^o of (Ratification) 1754. Recorded Page 74, &c. N. B. Boileau, Sec^r.

RELEASE FROM THE SIX NATIONS FOR SUSQUEHANNAH, 1736.

WE, THE CHIEFS of the Six Nations of Indians, the Onandagoes, Isanundowans or Sinnekas, Cayoogoes, Oneydas, Tuscaroras, (in behalf also of ye Canyingoes or Mohacks,) who have lately at Philadelphia, by our Deed in writing dated the eleventh Day of this instant, October, released to John Penn, Thomas Penn, & Richard Penn, Proprietors of Pennsylvania, & to their Heirs & successors, ALL our Right, Claim & Pretentions whatsoever, to all & every the Lands on both sides of the River Sasquehannah, from ye mouth thereof as far Northward or up the said River as y^t Ridge of Hills called the Tyoninhackta or Endless Mountains, Westward to the Setting of the Sun, & Eastward to the furthest springs of the Waters running into the said River, Do hereby further declare, That our true intent & meaning by the said writing was & is to Release and we do hereby more Expressly Release, to the said Proprietaries, their Heirs and Successors forever, All our Right, Claim and Pretensions whatsoever, to all and every the Lands lying within the Bounds & Limits of the Government of Pennsylvania, Beginning Eastward on the River Delaware, as far Northward as the s^d Ridge or Chain of Endless Mountains as they cross ye Country of Pennsilvania, from Eastward and to the West.

And further, as we have made the firmest League of Friendship with our Brethren of Pennsilvania & are become as one people with them, We do hereby promise & Engage for ourselves and our Children & their Children, That neither We nor they nor any in Authority in our Nations, will at any time bargain, sell, grant, or by any means make over, to any person or persons whatsoever, whether White men or Indians, other than to the said Proprietors, the Children of William Penn, or to persons by them Authorised and Appointed to agree for and Receive the same, any Lands within the

Limits of the Governmt of Pennsylvnnia, as 'tis bounded Northward with the Governmt of New York and Albany, But when we are willing to dispose of any Further Rights to Land within the s^a limits of Pensilvania, We will dispose of them to the said W^m Penn's Children, and to no other persons whatsoever.

In Witness whereof we have in Behalf of all our Nation, signed this further writing, being distinctly Read and Interpreted to us by our Friend Conrad Wyser, the Twenty fifth Day of October, 1736.

Witness, (an interlineation of seventeen words being first made between the 8th and 9th lines.)

ANYNSSQUASUH, his X mark,	TACANNUNTY,
ANYHARUNGQUAS,	CAXHAAYN,
CANDACH,	TOCANORUNGO,
HAWYIENTA,	OSCOTAX,
JOSUNSUDAN,	SAWUNTGA,
JOSUNLANSENET,	CANAWATO,
HANUKHUNGO,	SAGUSKSONYUNT,
HATQUANTAQUHTY,	TYIICHRYGERECHGO,
GAHISKEROWANO,	SARISTORQUOH,
GECHTACKHERY,	SHYKELIMY.
TAHASHWANGAI,	

CONRAD WEISER, Interpreter.

City of Philada.

Be it Remembered, That on the Nineteenth day of November, in the year of our Lord 1736, Personally appeared before me Clement Plumsted, Esq^r., Mayor of the City of Philadelphia, and one of the Justices of the Peace of the County of Philadelphia, Conrad Weiser, who, on his solemn affirmation, did declare that he saw the several Indians within named, sign, seal, and as their voluntary act, deliver the within written Deed, for the use and purpose therein mentioned; and that he saw John Peter Feck and Leonard Feck sign their names as Witnesses thereunto. And this affirmant further saith, that being appointed Interpreter by & between the Government of Pennsylvania and the Indians of the Six Nations, He faithfully and distinctly Interpreted & Explained to the Indians who signed & sealed the same, all the several parts of the said within written Deed, to their full satisfaction & contentment; and that upon the delivery of the said Deed, the same Indians presented a Belt of Wampum in Confirmation thereof.

CONRAD WEISER.

Affirmed before me.

Witness my Hand & seal of the City.
CLEM. PLUMSTED, Mayor.

Recorded y^e 22 May, 1741.

JUSTICES TO THE GOV., 1736.

May it please the Prop^r.

In Obedience to thy Letters of the 18th Instant, we have Used our Utmost endeavour to Discover the principal p'sons who were Concerned in the late Unhappy Conspiracy, & have taken the several Examinations inclosed, which we Consider is all that can be had at p'sent relating to the State of the Ill-designed affair,*

We shall make the best Enquiry we possibly can for the future, to discover all persons now, or that shall be hereafter concerned in such vile practices, in order that they may be brought to Justice, and are the Prop^{rs} Sincere frd^s.

JOS. BRINTON,
CALEB COWPLAND,
JOSEPH PENNOCK,
WM. WEBB,
JNO. TAYLOR.

9^{br}. 23^d, 1736.

Directed

To The Honorable Thomas Penn, Esq^r., Prop^{ry} of Pensilvania.

Indorsed.

Affidavits taken in Chester on the Affair of Munday.*

DEPOSITION JOHN COATS, 1736.

John Coats, of the County of Chester, Yeom., being Sworn on the Holy Evangelists of Allmighty god deposeth and Saith, That Henry Monday Invited him to go over the River Sasquehannah about seven miles to Settle on about Eight thousand acres of Land taken up by the Government of Maryland, on which about eight Dutch familys are Settled, and which familys the Marylanders would Dispossess if they did not Sell their Interest & begon. And that the Marylanders would give arms to all such members of the Church of England as would settle the s^d Land to defend themselves Against the Inhabitants of pensilvania, and that the Land wo^d Cost the Survey fee only. and that Munday s^d he was to have a gratuity for Settling those Lands,—all which Discourse hapened about ye end of September last.

JOHN COATS.

Sworn the 22^d day
of November, 1736,
Before me.

HENRY HAYES.

*Munday & Leet. See Col. Rec., Vol. iv. p. 101, &c.
See Col. Rec. Vol. IV. p. 102, 129.

DEPOSITION JEREMIAH STAR, 1736.

Jeremiah Star, of the County of Chester, Yeom., aged forty Seven Years or thereabouts, being one of the people called Quakers, upon his Solemn affirmation according to law doth declare & affirm, That his Cousin Thomas Thompson told him that Jacob Henderson, the Comissary of Maryland, had by Letter recommended him to Thomas Cresap to beshowed some land on the west side of Sasquehannah River, and that s^d Thomas Thompson, one John Star & William Dowmer went accordingly and was Shewed the land, which was Settled by Dutch people, and he the s^d Thomas Thompson Chose for himself a Certain piece thereof whereon was a Settlement and a Corn Mill, and that the s^d John Star told this affirm^t that he went wth Cresap to the Governour of Maryland, who granted him and his friends the Land, and told them that if they would be true & faithfull Subjects to Lord Baltemore he would defend them, and promised to patent the Lands to them at four shillings $\frac{2}{3}$ Hundred quitrent—paying only Survey fees and for the patent. And that Henry Monday told this affirm^t that he proposed to the Govr. of Maryland a Method for the Gaining the possession of those Lands, and thereupon it was Resolved by that Governour & his Council that the Malitia of that Government Should be ready about ye end of this Month to take & give the possession of the Lands af^d to Monday and his friends.

And this affirm^t. Saith, that some of the $\frac{2}{3}$ sons who Subscribed to a petition Sent to Henry Mondy for Some of the af^d Land, told him that the Governour of Maryland promised to Supply them with armes for their defence against the Inhabitants of Pensilvania, and would find provision for them till Next Spring.

JER^m. STARR.*

Affirmed the 22^d day
of November, 1736, before
us.

CALEB COWPLAND,
JOS. BRINTON.

DEPOSITION WM. MILLER, 1736.

William Miller, of the County of Chester, Yeoman, aged Thirty eight Year or thereabouts, being one of the People called Quakers, Upon his Solemn affirmation according to Law doth declare and affirm, That in the month of September last, Jacob Henderson, the Comissary of Maryland, & Benjamin Tasker, the Lord Baltemore's agent there, was at his House, and gave to Henderson's Brother-in-law advice in writing where he & his friends should Settle on Some

* See Col. Rec. Vol. IV. p. 101, 129.

Land on the west side of Sasquehannah river, which he this affirm^t was Since Informed by Some of his Neighbour^s was Land Settled by the Dutch, and that s^d Henderson Invited Several P^{ersons} who dwelt in Chester County to come & live in Maryland. And that this affirm^t told Benjamin Tasker that if his fir^d Henderson would lay aside the forty £ poll he might get his Land soon Settled, to which Benjamin Tasker answered, that the Land Henderson advised to was free from that Incumbrance or ye Like.

WILLIAM MILLER.

Affirmed the 22^a day
of November, 1736,
Before us.

HENRY HAYES,
JOS. BRINTON,
CALEB COWPLAND.

STATEMENT OF HENRY MUNDAY, 1736.*

An account of the Transactions and affairs That I now am charged
with and Stands Committed.

That in September last, the Reverend Mr. Jacob Henderson and Esq^r. Tasker, of Maryland, upon their Journey from Maryland lodged at the House of William Miller of New Garden, where he met with John Thompson, who is brother-in-law to s^d Mr. Henderson. He s^d Thompson apply'd to him for Advice in the Setling or buying a plantation. S^d parson Henderson referd to Esq^r. Tasker, who Imediatly wrote a letter to Some person in Maryland to Shew him some plantations near Susquehan^a River. he being a Strenger, John Starr and William Downard did joyn with him, s^d John Thomson, and viewed the land. John Starr did proceed his Journey to Anopolis and of the Governour did procure an Order for the Setleing ye S^d Starr, Thompson and Downard and James Starr, James Down and James Henderson, John Henthorn, Nathaniel Dawson,—Savor an Attorney at Law, that upon the return of s^d John Starr and the good Acc^t. he gave of the land, and that there is land to be taken up for to Supply Several familys, and that the Governour Would Order two Hundred Acres to be Surveyed for each person at 4s quit rent and the contingent Charges for the Surveying and Patent. That he would maintain them in the possession and give them a Lawfull right; that he esured them that s^d Land wear with in the limmets or bounds of the Lord Baltimore's Charter. I then made some reflections on my unhappy circumstances, and that it was Occasioned by an expencif Suit in Chancery, and notwithstanding I Dismiss'd the bill upon a full hearing that there was a managem^t. in the Drawing up the dismission

* See Col. Rec. Vol. IV. p. 101, 129.

which gave the plantife an opertunety to renew the Bill, and did bring a Bill which was heard in Equity, and when Determined there appeared no cause of action, therefore a Decree in feavor of me did pass. I apply'd for execution upon the decree But wear refused. The Charges of that Suit and Damiages that I sustained amounted to above fourteen hundred pounds, which did Oblidge me to morgage and sell what estate I then had in this City. this induced me to Try if I could meet with better useage in another Province, and take the oppertunety of part of that land with the rest, and I did goe to Anopolis to the Governour, where I met with Edward Leet and Charles Higenbotham and Joyned in the procuring an' order to the Surveyer of Baltymore County for the Surveying of Land, two hundred acres for us, & forty-nine other persons by us named. That the land that was So ordered to be Surveyed I never was on any part of it, Nither did I medle with Ingageing in any part of the Affair till the return of John Starr from Anopolis. that the Governour of Maryland did promise us to give a legall Title and told us that there wear Some Dutch ffamilies that had been Setled by that Governmt. that did revolt and take umbridge under Some persons in Comission in Lankester County, and did disclaime the Title of the Lord Baltimore through means as he told me that they the s^d persons in Lankester told the Duch that the Lord Baltimore was gon to france, and that the Proprietary Per^{ns} had obtained a Decree in Chancery Against them, which he s^d was the cause that those unwearry persons wear So Seduced by them That the s^d Governour Ogel Assured us that the Absolut Right and propertie to the s^d Lands wear invested in the Lord Baltimore, and that he would Defend us in the Same. That I Solemnly Declear that I never did propose to Settle upon any Tract of land that wear already Seteled by any duch or any other person, but to Sete Some uncultivaded Land, free from any Disputed right if it could be obtained. these is what now accurs on the procedure of this affair. am S^r, y^r very much oblidge

Humble Servant,

HENRY MUNDAY.

Philad^a, ye 24th novem^{br}, 1736.

To Ralph Asheton, Esq^r.
these.

Indorsed—"Henry Munday's Declaration. Read at the Board."

See Colon. Rec. Vol. IV. p. 104, when the foregoing was read, he underwent an examination before Council, which see on page 107.

WRIT FOR A CALL OF ASSEMBLY, 1736.

[L. s.] James Logan, Esqr, President, and the Council of the Province of Pennsylvania.

To Joseph Brientnall, Esqr, Sheriff of the City and County of Philadelphia, Greeting:

Whereas several Matters of great Importance to the Peace of this Province and the Quiet and Safety of its Inhabitants have lately come under our Consideration, and We conceiving it absolutely necessary that the Representatives of the People should without Loss of Time be acquainted therewith, to the End such Measures may be taken as the present Exigency requires, Have thought it proper that the Assembly should forthwith meet in order to consider of the same, We command you therefore, that upon the Receipt hereof you give Notice, or cause the same to be given to each of the Representatives of the said City and County, that for the Purposes aforesaid they meet in Assembly at Philadelphia, on the Sixth Day of December next, and hereof make Return to us in Council the Day aforesaid.

Given under the lesser Seal of the said Province, at Philadelphia, the 29th day of November, 1736, in the tenth Year of the Reign of our Sovereign Lord George, the Second, by the Grace of God, of Great Britain, France & Ireland, King, Defender of the Faith, and so forth.

JAMES LOGAN.*

By Virtue of the within Writ to me directed, I have given Notice to the several Representatives of the City and County of Philadelphia, to meet at Philadelphia on the Day within mentioned, as by the said Writ I am commanded.

The Answer of JOSEPH BREINTNALL, Sheriff.

Indorsed.

Copy of ye Writ directing the Sheriffs to give Notice to the Representatives to meet Dec. 6, 1736, with the Sher^s Return.

DEPOSITIONS ON TAKING OF THOS. CRESSAP, 1736.

John Kelly, aged about twenty eight years, & Benjamin Starret, aged about thirty years, being sworn on the Holy Evangelists, do severally make Oath, that they being called upon by Samuel Smith, Esquire, Sherif of the County of Lancaster, to assist him in the Execution of a Warrant against Thomas Cressap, for Murder, attended the said Sherif when he went over Sasquehannah for that pur-

* See Col. Rec. Vol. IV. p. 113.

pose, on the twenty third of November last, that they continued with the said Sherif all the next day, until Cressap and the others who abetted him in resisting the Sheriff were apprehended, and that the facts set forth in the Affidavit of Samuel Scott, touching the whole Transactions that then passed, are true, and consistent with the Knowledge of each of these Deponents.

his
JOHN ✕ KELLY,
mark.
BENJAMIN STARRET.

Philadelphia, Decem^r 1st, 1736.

Taken before me,

CLEM. PLUMSTED, Mayor.

Arthur Buchanan, Samuel Scott, John Kelly & David Priest, being severally Interrogated what Provocation was given, & what Necessity there was to the Setting fire to Thomas Cresap's house, being Sworn on the Holy Evangelists of Almighty God, did severally depose & Declare, That they being called upon by Samuel Smith, Esquire, Sherif of the County of Lancaster, on Tuesday, the twenty third day of November last, to Assist him, the s^d Sherif, in Apprehending the said Thomas Cressap, who had a Warrant against the s^d Cresap, for Murder, they the s^d Deponents, with several others, went with the said Sherif to the house where the s^d Cresap & his Company were Lodged, the s^d House Consisting of round Rough Logs laid one upon another, & the Door thereof strongly barr'd or bolted, And that after the said Sherif had read the said Warrant to the said Cresap for Apprehending him, & several times requir'd him to Surrender himself to Justice, the s^d Sherif & these Deponents & Assistants were Answer'd by Cresap with Oaths & Imprecations, calling the s^d Sherif, these Deponents & Company, Damn'd Scotch Irish Sons of Bitches, and the Proprietor & people of Pensilvania Damn'd Quakeing Dogs & Rogues, Asking these Deponts & Company why they wou'd fight for a parcell of Damn'd Quakeing Sons of Bitches, but that they shou'd Do as he the s^d Cresap did, fight for a Gentleman, Which Words & Provokeing Language Used by the s^d Cresap to the s^d Deponents & Company from time to time during the whole Day, And it Appearing very plainly from the s^d Cresap's Actions & Expressions, that he the s^d Cresap & his Company were Resolv'd to kill rather than Surrender themselves or be taken, And these Deponents & Company Apprehending that if he the s^d Cresap made his Escape at that time, Great Numbers of the Inhabitants of those parts of the s^d County of Lancaster who had been threatned with the Extreamest Severities, cou'd scarce expect to be safe any longer in their Possessions, At length it was the Opinion of divers of the Company, that there was a necessity to Set fire to the Roof of the s^d Logg house, which was Low & within Reach, in order to

Oblige the s^d Cresap & his Company to Quit it, which, notwithstanding, the s^d Sherif refused by any means to agree to, but the s^d Cresap & his Company continuing to fire on the s^d Sherif & his Assistants, & the Necessity Appearing so great & pressing, to the End that they might take the s^d Cressap & his Company without Blood, the Efusion of which they were desirous by all means to prevent, Some Fire brands were thrown on the Shed adjoining to the s^d House, which soon took the whole house, it being built only of dry Wood, & was in a Short time Destroyed, in the Manner as set forth in the fforegoing Affidavits.

ARTHUR BUCHANAN,
SAML. SCOTT,
the ✕ mark of
JOHN KELLY,
the ✕ mark of
DAVID PRIEST.

Philadelphia, Decembr 3^d, 1736.

Taken before me

CLEM. PLUMSTED, Mayor.

Indorsed.

Affid^t John Kelly, & Interrogatorys answered upon Oath by Buchanan, Scott, Kelly & Priest.

DEPOSITION ROBERT BUCHANAN, 1736.

Robert Buchanan, of the County of Lancaster, Gentl, aged about thirty-seven years, being solemnly sworn on the Holy Evangelists, maketh Oath that he was Sherif of the said County, for the space of three years, to wit: from October, 1732, to October, 1735, during which time repeated Complaints having been made of gross abuses offered to the People of Pensylvania, inhabiting the west side of Susquehannah, in the Province aforesaid, by Thomas Cressap. This Depon^t has frequently had Precepts & Warrants Lodged with him for apprehending Cressap, & several others of his accomplices; that the said Cressap having killed one Knolles Daunt by a shot above the Knee. This Depon^t had a Warr^t under the hands and seals of the Provincial Judges for apprehending Cressap for the said Murther, but this Dep^t could find no means of executing it without endangering his own Life, & the Lives of those whom he should be obliged to call to his assistance. That this Depon^t having understood that Cressap was apprehended on Wednesday, the twenty-fourth of November last, he, this Depon^t came to see him, & at his desire accompanied him to Philadelphia; that on the Road this Depon^t & Cressap conversing together, this Dep^t was blaming Cressap for having

been the unhappy Instrument of great difference between Pennsylvania & Maryland; that both Provinces had been made uneasy by his means, & was lamenting that he, the said Cressap, had not followed other measures, to which Cressap said that he had for these several years, given a good deal of uneasiness, he believed, to the Pennsylvanians, but in this last affair, & what had happened thereon, he had done a notable Jobb, or words to that Effect; he had made a present of the Provinces to the King, & if the People found themselves in a better condition by the Change, they should thank Tom Cressap for it.

ROB'T. BUCHANAN.

Philadelphia, Decem^r 1st, 1736.

Taken before me,

CLEM. PLUMSTED, Mayor.

Indorsed.

Affida^t Rob^t Buchanan.

DEPOSITION OF ARTHUR BUCHANAN, 1736.

Arthur Buchanan, of the County of Lancaster, aged about twenty-five years, being solemnly sworn on the Holy Evangelists, maketh Oath that he was one of those who on the twenty-third day of November last went over Sasquehannah, about midnight, with Samuel Smith, Esquire, Sherif of the said County, to assist him in the apprehending of Thomas Cressap, against whom a Warrant for Murder was issued, that this Deponent continued with the said Sherif all the next day, until the time that the said Cressap, & those who were with him, were taken & apprehended That the several facts mentioned in the Affidavit of Samuel Scott are true & consistent with this Dep^ts Knowledge, And he further says that during the time that the Sherif was endeavouring to prevail with Cressap to surrender, Laughlan Malone, one of those who were with him, called to this Depon^t & telling him that he, the said Malone, had known this Depon^t in Ireland, & had been at his father's House. This Depon^t entered into some Conversation with Malone, & representing to him how scandalous it was for him to engage himself with so wicked a fellow as Cressap. Malone said that he came a Servant into the Country, and that the Governor of Maryland had given him his freedom & twelve pounds a year for assisting Cressap against the Pennsylvanians; that he had taken an Oath before the said Governor to be true to Cressap, & that he was resolved rather to lose his Life than to be false to his Trust.

This Depon^t likewise says that he had some Conversation with Cressap, who told him that he would give the Sherif and his Assist-

ants enough of it, for he was provided with Powder & Ball, & he did not doubt but he should be able to maintain his Ground till he received a Reinforcement from Maryland, which he said he soon expected, having dispatched Messengers thither, & that he believed he should have three hundred Men to support him.

And this Depon^t further saith that one of Cressap's Party, to wit, Daniel Southerland, having found means to escape from Cressap by getting out at the Chimney, came to this Depon^t immediately after & taking him aside, the said Southerland told the Depon^t that Cressap had laid a Scheme for killing John Ross, who lived on the opposite side of the River, that one Jacob Mathias, who was with Cressap in the House, had undertaken to go over the River & shoot John Ross with a Pistol, for which Cressap promised he would give Jacob Matthias a Reward of twenty pounds & a Pass to travel into Maryland, whether the Pennsylvanians, Cressap said, durst not follow, and that this Scheme might be the easier effected, one M^{rs}. Emerson was to engage Ross at Cards, & while he was so engaged Jacob Matthias was to kill him, & to gett over the River in a Canoe that was to be kept ready at the River's side by Miles Foy, another of Cressap's Men.

ARTHUR BUCHANAN.

Philadelphia, December 1st, 1736.

Taken before me.

CLEM. PLUMSTED, Mayor.

DEPOSITION JOHN STARR, 1736.

Be it Remembered that on the Second Day of December In the Tenth Year of the Reign of our Sovereign Lord, George the Second, King of Great Britain, & Annoq Dom. 1736, Before me, John Parry, Esq^r., one of his Majesties Justices of the Peace & Court of Common pleas, for the County of Chester, in the Province of Pensilvania, Personally Appeared John Starr, of the Township of London Grove, in the County afores'd, Weaver, Aged about Fifty Years, Who being sworn on the holy Evangelist of Almighty God, did Depose & Declare That some time about the latter End of September last this Deponent's Cousin, Thomas Thompson, told this Deponent that he had seen the Reverend Jacob Henderson, his, the s^d Thompson's, Brother-in-Law, at the house of William Millar, in New Garden, in the County afores'd, & that the said Henderson had told him, the s^d Thompson, that there were Several Tracts of Land in Maryland on Susquehannah River, that had been Inhabited, but that the Persons who had possessed them had left them, & that the s^d Lands were now Vacant, & the s^d Thompson

further told this Deponent, that the said Henderson had given him a Letter to one Thomas Cresap, who lived on the West side of the s^d River, concerning those Lands, That this Deponent in a few days afterwards, went with the s^d Thompson & one Willam Downard, to the house of the said Thomas Cresap, upon the West side of the s^d River, in order to see the said Lands; That When this Deponent & his Company came to the s^d Cresap's house the s^d Thompson delivered the s^d Letter to the s^d Cresap, upon which the s^d Cresap told this Deponent & Company that there were some Lands near there Settled by some Dutch Men, And that the Governour of Maryland wou'd not Suffer the s^d Dutch Men to continue or Stay there; That this Deponent, Downard & Thompson went from Cresap's house to View the s^d Lands, And they were shewn several Plantations or tracts of Land that were Inhabited by y^e s^d Dutch Men; That in a short time after this Deponent, with the s^d Thompson & Downard, Returned to Cresap's house & Lodged there that Night; that on some Discourse this Deponent & Company had, with the s^d Cresap, that Night, the s^d Cresap said that there had been lately up there a great Number of Armed Men from Maryland, & that upon their seeing some People of Pensilvania coming over from the other side of the s^d River in a Flat, that the s^d Marylanders, like Cowards, Run away; That he, this Deponent, observed that there were a considerable Number of fire Arms in the s^d Cresap's house; That the Next Morning the s^d Cresap & this deponent took horse in order to go to Annapolis, to the Governour of Maryland, & the s^d Cresap offered to go with him to the Govern^r about the s^d Lands Settled by the Dutch, & Accordingly they went there & the s^d Cresap & this Deponent immediately went to the Govern^r; That this Deponent told the Govern^r that he had seen some Lands on the West Side of Susquehannah River & that he, this Deponent, was then come to him to Apply for a Settlement, Upon which the Governour told this Deponent that there were Lands Enough there, & that this Deponent should be provided for, And that the Governour said that there were some Unfortunate Dutch Men that had lately Apply'd themselves to him for those Lands, & that he went there & Settled them, & that he condoled the Misfortune of the s^d Dutch Men for declining to be Subject to the Government of Maryland, & turning to the Proprietors of Pensilvania, And that the s^d Dutch Men had Revolted through Ignorance or Perswasion, And that the Govern^r further said that if the s^d Dutch Men did not Return again to the Government of Maryland he would not Suffer them to Live on those Lands any Longer, And that if he, this Deponent, or any other persons, would Settle on the s^d Dutch Lands, he would provide for them & protect them; That upon his, this Deponent, leaving the Govern^r he retruned home & Acquainted several of his Friends of the Encouragement that the Governour of Maryland had given to Settle the s^d Dutch Lands.

JOHN STARR.

Sworn before

JNO. PARRY.

I, Joseph Parker, Clerk of the Peace and Prothonotary of the Court of Common Pleas for the County of Chester, in the Province of Pensilvania, do hereby Certifie that the foregoing Affidavit of John Starr, of the Said County, weaver, was this Day taken before John Parry, Esqr., one of his Majesties Justices of the Peace and Court of Common Pleas for the Said County, In Testimony whereof I have hereunto Set my hand & Seal of the Said County, this Second day of December, Anno Dom. 1736.

[L. S.]

JO. PARKER, P'ton.

DEPOSITION OF GEORGE ASTON, 1736.

George Aston, of the County of Chester, in the Province of Pensilvania, Sadler, aged ab^t Fifty Years, being one of the People Called Quakers, upon his Solemn Affirmation, according to Law, did Declare and Affirm, That upon some Conversation happening between Thomas Cresap, Robert Buchanan & this Affirm^t, on the road in Sight of the City of Philadelphia, upon bringing the s^d Cresap down from the County of Lancaster, The said Cresap Said, Damn it, Aston, this is one of the Prettyest Towns in Maryland. I have been a troublesome fellow, but by this last Jobb I have made a present of the two provinces to the King, and that if the people found themselves in a better Condition by the Change they might thank Cresap for it, or words to that Effect.

GEO. ASTON.

Philadelphia, Decbr 3d. 1736.

Taken before me,

CLEM. PLUMSTED, Mayor.

DEPOSITION OF SAMUEL SCOTT, 1736.

Samuel Scott, of the County of Lancaster, in the Province of Pensilvania, aged about Thirty-three Years, being solemnly Sworn on the holy Evangelists, maketh Oath, That at the desire of Samuel Smith, Esqr, Sherif of the s^d County, He, this Deponent, on the twenty-third day of November last, about Midnight, went with Several other persons, to the Number of Twenty-four in all, over the River Susquehannah to Assist the s^d Sherif in Apprehending Thomas Cresap, pursuant to a Warrant for Murder, issued against him; that the s^d Sherif & his Assistants coming to Cressap's house about break of Day on the twenty-fourth, the Sherif Found that Cressap had Secured himself in his house, & with Six Men, whom he had got

with him, was resolved to defend himself against the said Sherif; that the s^d Sherif having Called to Cressap & made known to him the Warrant afores^d, Cressap Swore they should not take him alive, & that he would either Kill or be Killed, & takeing a Glass in his hand Drank Damnation to himself and those with him if ever they Surrendered; that he threw out some Small Quantity of Gunpowder, & desired this Deponent & the other Assistants of the Sherif to Smell to it or take it as a Dram, he was well provided with a Sufficient Quantity for all of them, And declaring that he was ready for them, he called to the Men in the house with him to Fire away on the Dogs, upon which a Blunderbuss and a Gun were discharged through the house against the said Sherif's Company, of whom Three soon after running up to the house fired upon the house; That hereupon the Sherif order'd all those with him to desist from firing, & again Applying to Cressap, desired him either to Surrender or if force must be Used, that he would send out his Wife & Children, & he should have time given him to Shut up his Door, but he continuing Obstinate, the Sherif & his Assistants drew near to one end of the house, Whereupon a Blunderbuss was Attempted to be fired by Cressap & the others with him, but the Flint did not serve, for this Depon^t heard some of them curse the Flint, & afterwards Striking it with a knife the Blunderbuss was discharged, but without any Damage; that soon after John Allison, one of the Sherif's Assistants, was Shot at, but received no further damage than having his hat shot through in two places; That the Sherif & his Assistants continued til near Sun Set, And Cressap continuing Obstinate, & abusing & reviling in the vilest manner the Proprietor & people of Pensilvania, & threatening the Sheriff & his Assistants with Men & Arms, whom he Expected from Maryland, the house was set on fire & then Cressap was forced to leave it; That the s^d Cressap & those with him upon coming out Shot several times amongst the Sherif's Assistants, they having brought several Arms out with them, & wounded one John Capper in the left Shoulder; That the Sherif's Assistants fired also upon them, & this Deponent Observed, that in the heat of the Action & firing he saw one of Cressap's party, to wit: Loughlan Malone, fall, And as this Deponent has heard since from those who were near the said Malone, that he fell by a Shot from one of Cressap's own party, And immediately thereafter Cressap & the others were Surrounded & taken; And this Deponent further says, that as the Fire took place on the house, & after Cressap & his people had left it, several Shot came from thence, which this Deponent afterwards Understood from Cressap's Men, that the s^d Shot were from several Guns which Cressap had placed in the house pointed towards the River.

SAM^L SCOTT.

Philadelphia, December 4th, 1736.

Taken before me,

CLEM. PLUMSTED, Mayor.

DEPOSITION OF WM. DOWNARD, 1736.

Be it Remembered, That on the Second day of December, In the Tenth Year of the Reign of our Sovereign, Lord George the Second, King of Great Britain, &c., Annoq Dom., 1736, Before me John Parry, Esqr., one of his Majesties Justices of the Peace, & Court of Comon pleas for the County of Chester, in the Province of Pensilvania, Personally appeared William Downard, of the Township of London Grove, in the County afores'd, Weaver, aged about Forty-five Years, Who, being Sworn on the holy Evangelist of Almighty God, did Depose and declare that some time near the latter End of September last, one Thomas Thompson told this Deponent that he had seen the Reverend Jacob Henderson of Maryland, his, the sd Thompson's Brother in Law, at the house of William Millar of New Gardon, in the County aforesd, and that the said Henderson had told him, the sd Thompson, that there were Several Tracts of Land in Maryland, near Susquehanna River, that had been Inhabited, but that the persons who had possessed the sd Lands, were gone of & left them; & that the sd Lands were now Vacant. That the sd Thompson further told this Deponent that he had a Letter from the said Henderson to one Thomas Cresap, living on the West Side of the sd River, to provide Places for him, the said Thompson, & as many Persons as he, the sd Thompson, could get to Settle there. That this Deponent, some few days after, went with the said Thompson, & one John Starr, to the sd Cresap's House, in order to View the sd Lands; & That when this Deponent & Company came to the sd Cresap's House, the sd Thompson delivered to the sd Cresap the aforesd Letter, which the said Cresap opened & read, after which the sd Cresap told this Deponent & Company, that there were some Lands near there settled by some Dutch men, & that the sd Dutch men would not be suffered to live on the sd Lands any longer, upon which this Depon^t & John Starr told the sd Cresap that they were not willing to Settle on Lands that persons were now settled on; that Cresap said that if he, this Depon^t, & Company, would not take the said Lands, that some other persons would, & that the said Dutch men should be turnd out of them. That the sd Dutch men's plantations were afterwards Shown to this Deponent & his Company; That upon this Depon^t & Comp^a return from seeing the sd Dutch men's Lands to sd Cresap's house, this Deponent & Star told the sd Cresap that unless they could get a good Deed for the said Lands, they would not meddle with them; that the sd Cresap said that the Governour of Maryland would give them a very good Deed for sd Lands. That this Depon^t & Company lodged at Cresap's house that Night, & that upon some discourse then had with the sd Cresap, he, the sd Cresap, told this Deponent That a large Company of Armed Men of Maryland had lately Marcht up there against the Pensilvians, & that whilst the sd Company of Arm'd Men were near the River, a Flat came over with several Pensilvians from the other

Side of the River, and that he, the sd Cresap, would have fired upon the sd Pensilvanians in the sd Flat with a Blunderbuss if he had not been hindred by some of the Officers of the Militia of Maryland. That the sd Cresap persuaded this Deponent to get as many persons as he could to settle the sd Dutch men's Lands, and added that there were Lands enough there for a great many familys. That the next morning the said Cresap, with the Deponent & Company, went down towards William's Ferry on Susquehannah River, and the Next day this Deponent parted with the sd Cresap & Star at the said Ferry, Who told the Deponent that they would go down to Annapolis to treat with the Governour about the purchase of the sd Dutch men's Lands.

WM. DOWNARD.

Sworn Before

JNO. PARRY.

I, Joseph Parker, Clerk of the Peace, & Prothonotary of the Court of Comon Pleas for the County of Chester, in the Province of Pennsylvania, do hereby Certifie that the foregoing Affidavit of William Downard, of the Said County, Weaver, was this Day taken before John Parry, Esq., one of his Majesties Justices of the Peace, & Court of Common Pleas for the Said County, In Testimony whereof I have hereunto Set my hand and Seal of the said county, this Second Day of December, Anno Dom., 1736.

JO. PARKER,
P'ton.*Indorsed.*Affidavit W^m. Downard.

DEPOSITION OF SAMUEL SMITH, 1736.

Samuel Smith, Esquire, Sherif of the County of Lancaster, in the Province of Pennsylvania, aged about forty two years, being sworn on the Holy Evangelists, maketh Oath, That he hath been Sherif of the said County since the first day of October 1735, and that soon after entring upon the said Office, a Warrant under the hands & seals of the Provincial Judges, was lodged with him, for apprehending Thomas Cressap, living on the west side of Sasquehannah, within the County afores^d, for the Murther of one Knolles Daunt, that the said Cressap refusing to acknowledge the Jurisdiction of Authority of the Province of Pennsylvania, & sheltring himself under the Protection of Maryland, had drawn together sundry Persons of evil Fame & desperate Fortunes, by whose Assistance, &

by keeping himself & them almost always in Arms, this Depon^t found it impracticable to execute the said Warrant without imminent danger, That this Depon^t has several times endeavoured to surprise the said Cressap, but finding he could not be taken without Bloodshed, this Depon^t has desisted, But advices being brought into the County of Lancaster, that a Discovery had been lately made of a Design sett on foot by the Encouragement of Maryland, for dispossessioning several Families of Dutch & others, to the Number of fifty or sixty, settled in the said County of Lancaster, on the west side of Sasquehannah, & that the Rendezvous for that Purpose was appointed at Cressap's to whom the conducting of the Design was said chiefly to be entrusted, & that a large Quantity of Arms & Ammunition were for this Purpose sent up from Annapolis & lodged at Cressap's house, and the whole Country being under a general Consternation & Alarm, & fearing that notwithstanding the Discovery afores^d some Attempt would yet be made, This Dep^t was loudly called upon by the People to execute his duty by apprehending Cressap, if the Danger of doing it were never so great, That this Dep^t hereupon advised with the Magistrates of the County, & finding it absolutely necessary for the Safety of the People that at all hazards he should proceed to take Cressap, This Depon^t, on Tuesday, the twenty third of November last, got together twenty four men, who being furnished with a Gun each, some Powder & Swan shott, crossed the River Sasquehan^a about midnight, & coming to Cressap's house about Break of day, he found that they were discovered, & that Cressap with several others who were with him in the House, had secured the Doors & stood upon their Defence, That this Depon^t went up to the house, & calling to Cressap, he answered, & looking thro' the Loggs of his house, this Depon^t read the Warrant he had for taking him, & told him they were resolved to have him, & that if he would Surrender he should be well used, but otherwise they determined to beset the House & to keep him from Water till he should be obliged to surrender, to which Cressap with several horrid Oaths & the most abusive Language against the Proprietor & People of Pennsylvania, answered that they should never have him till he was a Corpse, & filling a Glass of Rum he drank Damnation to himself & all that were with him if ever he or they surrendred, That this Depon^t still endeavoured to perswade him to yield without bringing matters to an Extremity, & that this might be as much as possibly avoided, the Depon^t charged those that were with Cressap not to assist him, & offered them a Reward & his Protection if they would leave him, & some of them appearing disposed to accept of this Dep^t's offer, but Cressap swore he would shoot the first Man that would surrender, This Depon^t then pressed Cressap to send his Wife & Children out of the House, that they might receive no Injury if this Depon^t sho^d be further resisted in the execution of his Duty, & offered that he the said Sherif & those with him would withdraw from the House at a considerable Distance till said Cressap's Wife & Children should be sent out, but

Cressap utterly refused it, & putting this Depon^t to a Defiance, he presented a Blunderbuss, & those with him Guns thro' Loopholes in his house, That this Depon^t continued perswading him to Surrender for a long time, till at length Cressap & those with him discharged a Blunderbuss & two Guns, but without Damage, Whereupon those who assisted this Depon^t, discharged three or four of their fire Arms towards the house, that this Depon^t having desired his Assistants to desist from further firing, he called to Cressap that he wanted to come up to the Outside of the House to speak with him, if he might do it safely, & Cressap promising he would not fire at him, this Depon^t again endeavoured to perswade him to surrender, telling him that if Mischief should happen his Guilt would only be the greater, but Cressap persisted in refusing, & added Imprecations on himself & all that were with him if ever they surrendred, & said he hoped he should soon be reinforced from Maryland, for he sent for Men & Arms, which he expected that night or next morning, But one of those with Cressap, to witt, Daniel Sutherland, found means to escape by getting out at the Chimney, & surrendred himself to the Depon^t, That this Depon^t & his Assistants then endeavoured to force the Door open, they were fired upon from within, & two Swan shott went through the Hatt of John Alison, one of this Depon^{ts} Assistants, who likewise fired at the house, but not being able to force the Door, & night coming on, some of them set fire to a shed adjoining to his House, without this Depon^{ts} consent, for his Assistants were so enraged by the horrid Abuses given to the Proprietor & People of Pennsylvania as well as to themselves, that he could not restrain them, & the flame spreading it took the House, whereupon the Depon^t endeavoured to have it extinguished, & called to Cressap to surrender for he might see he could not escape, but all Perswasions were in vain, & Cressap kept within till he found that the house being on fire he could be no longer safe, & rushing forth with five others, to witt, Miles Foy, George Bear, Jacob Matthias, Michael Reysner & Laughlin Malone, they all fired on this Depon^t and his Assistants, and one John Capper going up to speak to Cressap without having Arms, was shot in the Shoulder, & another, to witt, M^eanally, was wounded, that this Depon^{ts} Assistants likewise fired, & soon after closing in with Cressap they took him & those with him, but before they could do this Laughlin Malone fell by a shott which those who were nearest affirm came from Michael Reysner, & is since dead, That it was about sun set before Cressap was taken.

SA. SMITH, Sher.

Philadelphia, December the 4th, 1736.

Taken before me,

CLEM. PLUMSTED, Mayor.

Samuel Scott, Arthur Buchanan, David Priest & John Kelly, of the County of Lancaster, being solemnly sworn on the Holy Evan-

gelist, do severally make Oath, That they were of the Number of those who assisted the Sherif in apprehending of Thomas Cressap, & were with the said Sheriff during the whole transactions, & that the several facts relating thereto as set forth in the aforegoing Affid^t are just & true, & consistent with the Knowledge of each of these Depon^{ts}, except that David Priest & John Kelly did not see Thomas Cressap drink the Glass of Rum, but the said David Priest says that he heard him wish Damnation to himself and the others with him if they surrendered, which the said John Kelly does not remember to have heard.

SAM. SCOTT,
ARTHUR BUCHANAN,
the ✕ mark of
DAVID PRIEST,
the ✕ mark of
JOHN KELLY.

Philad^{ia}, Decem^r 4th, 1736.

Taken before me,

CLEM. PLUMSTED, Mayor.

Indorsed.

Affid^t Sam^l Smith, Shf. of Lancaster, corroborated by those of Scott, Buchanan, Priest & Kelly.

DEPOSITION OF SUSANNAH ATKINSON, 1736.

Pennsylvania, ss.

Susanna the Wife of Michael Atkinson, of the County of Lancaster & Province afs^d, aged about forty-five years, Being Sworn on the Holy Evangelist's maketh Oath, that a Certain person called Miles Ffoy, late an accomplice & associate with Thomas Cressap, on the West side of Sasquehanna River within the Reputed Bounds of this Province, Is a Person well Known to this Deponent, is a public professor of the Romish Religion and One of the Rebels against His Late Majesty King George, and was in the year 1715 taken at the Battle of Preston & Committed prisoner to Chester Castle & there Remained a Considerable time, where this Deponent often saw him when she was sent to carry necessarys to some of the prisoners, and afterw^{ds} the s^d Miles ffoy was tryed at Lancaster Assizes, Convicted & transported; and this Deponent further says, that in or about the year 1731, the said Miles Ffoy came to her house in the County of Chester, in the Province of Pennsylvania afs^d, where this Deponent Charged him with being one of the afs^d Rebels, and He acknowledged the same to this Deponent, & Declared he was taken in a

Church at Preston afs^d, and also declared to this Deponent that He the s^d Miles Ffoy was yet of the Romish Religion.

SUSANNA ATKINSON.

Taken at Hempfield, in the County
of Lancaster afs^d, the Sixth day of
December, An^o Dom : 1736, before Sam^l
Blunston, Esq^r, One of His Majesties
Justices of the peace for the s^d Couney. }
SA. BLUNSTON.

DEPOSITION DANIEL SOUTHERLAND, 1736.

City of Philadelphia, ss.

Daniel Southerland, of the County of Lancaster, aged about twenty Eight years, Being Sworn on the Holy Evangelist, Deposeth, That having been Employed by Thomas Cressap to Build him a House near Codorus Creek, on the West side of Susquehanna River That this Deponent being disappointed of Going on with the said Building, by Reason the People in the Neighborhood where the House was to be Built were profess'd Inhabitants of Pensilvania, where Cressap durst not go to procure hands to help up with the Loggs of the said House, and therefore to prevent this Deponent from leaving him He perswaded him to List at the Rate of Twelve Pounds a year to help to Defend the said Cressap, and to go on Such Enterprizes against the Inhabitants of Pensilvania, as the said Cressap should think proper. And this Deponent further Says, that on Thursday the Eighteenth of November last past, He being at the House of the said Cressap, Hannah Wife of the said Cressap Crossed the s^d River to Feen's Farm, where John Emerson Lately Lived, and on Saturday Returned back, and in the hearing of this Deponent told her Husband, Thomas Cressap, that she was informed by Mary Emerson, that Munday and Leet, two of the heads of the Party, of near Seventy men, who Cressap Expected up from Natl. Rigby's, were taken with their Papers and Governor Ogle's Letter; and the said Hannah further told her Husband if himself and Jacob ——— and some other hands would Go over the River, the said Mary Emerson would engage John Ross in a Game at Cards, and in the meantime they should come in, Seize and carry him away, upon which this Deponent says, the aforesaid Jacob ———, (formerly Servant to the said Mary Emerson,) Swore he would be Revenged of said Ross, and that he would go over the River and Shoot him, to which Thomas Cressap replied he would not be a faithfull Servant Except he did it, and Miles Foy, then present, offered to go over with the said Jacob, and wait in the Canoe while he Comitted the Murther, and take him safely Back, to which Cressap added a Promise of his

Freedom provided he did it, and a Discharge with a pass to Travell into Maryland, where he said the Pensilvania Men durst not follow him. And this Deponent further Says that on Monday the Twenty-second of the same Month, Thomas Cressap sent two men with four Horses to Nat^l. Rigby's for Arms and amunition, and that the said Cressap Daily Expected up about One hundred and fifty Men, who were to be Conducted by him to the Dutch Settlements in Pensilvania, to take the People out of their Houses in the Night by force of Arms and Carry them to Maryland, as said Cressap told this Deponent, and these People were to hold the said places by force of Arms as Tennants to Lord Baltimore. And this Deponent further says, that on the Twenty-fourth of the same month in the Morning, the Sheriff of Lancaster County came with about Twenty Men to Thomas Cressap's, where this Deponent was, and told the said Cressap he had a Warrant to Apprehend him and Read it to him, but Cressap refused to Surrender, and Said he would Kill them all before he would be taken, and Swore to this Deponent and the rest of his Men that he would Pistol the first of them who refused to fire at his Command, or Offered to Capitulate, but an offer of Indemnity being made to any who would Come out of the House and Leave the said Cressap, this Deponent at the Hazard of his Life Got out at the Chimney and fled.

And this Deponent further Says, that it was Common with the said Cressap to be projecting how to take several of the People of Pensilvania, particularly John Wright, Samuel Blunston and Edward Smout, Esq^{rs}., Justices of the Peace of Lancaster County, and John Wright, Jun., of the same County, for whom as Cressap said, the Governour of Maryland had by his Proclamation promised one hundred Pounds apiece. That said Cressap said it was hard to take Wright and Blunston, but for Mr. Smout he thought a Letter might be Delivered by a Stranger to Smout on the Road to Mr. Wright's and that the said Cressap and his Company would ly in Ambush and Seize said Smout and Tye him and so Carry him off a Prisoner to Maryland. That this Deponent was at the House of Thomas Cressap when the three hundred men who Came up from Maryland were there, that the men who were Called the Soldiers Blamed Cressap very much for the Disturbances that had happened in those Parts, and said they did not think they were obliged to go fight with the People of Pensilvania in Cressap's behalf, to which Cressap Swore and said that they were only afraid of their Mother's Calf Skins, and that it was Lord Baltimore's Right he was maintaining, and he disregarded all of them for he had the Governor of Maryland's Order for what he did; but the Men Caled him Names and offered any of them to fight him. That this Deponent has frequently heard said Cressap Call Coll. Hall, who Commanded the three hundred Militia from Maryland, a Damned Coward for not Suffering him the said Cressap to fire with a blunderbus upon the People of Pensilvania who were Coming over the River in a flat towards the

Marylanders who were in Arms; but he the said Cressap affirmed Lord Baltimore would soon be over in Maryland, and then he would drive all the Pensilvanians to the Devil, and the Court in Philadelphia would be called in Lord Baltimore's Name; That he has frequently heard Cressop say, that if he was a Prisoner in Lancaster Town they could not keep him long, for he would soon be relieved and the Town set on fire.

his
DANIEL ✕ SOUTHERLAND.
mark

Philadelphia, Dembr 8th, 1736.

Taken before me.

CLEM. PLUMSTED, Mayor.

DEPOSITION BENJAMIN CHAMBERS, 1736.

City of Philadelphia, ss.

Benjamin Chambers, of the County of Lancaster, in the Province of Pensilvania, Millwright, aged about Twenty-three years, being Sworn on the holy Evangelist, Deposeth and saith, That on or about the Sixth Day of May last past, he, the said Deponent was at the House of John Wright, Jun., on the West side of Sasquahannah River, in the said County, That on Notice given at the said House, that some persons were Surveying of Land along the River side, near the same. This Deponent, with Robert Barber, John Ross, and some others, went to meet them, where a man whose name was said to be Franklin, with a Surveying Instrument, was Setting or taking a Course up the said River, Joseph Ogle and Thomas Gwin carrying the Surveyor's Chain after him. And Thomas Cressap, called a Captain, with about Twenty Men Armed with Muskets. Pistols, Blunderbusses, and Cutlasses, were in Company with them; And this Deponent saith that he heard the said Robert Barber demand of the said Surveyor, by what Authority he Surveyed that Land, who was Answered, by the Lord Baltimore's. The said Robert Barber told the Surveyor and Cressap, that the same Land had been long before that time Surveyed, and regularly returned into the Land Office at Philadelphia, in Right of Pensilvania; but the said Franklin reply'd, he should not regard that. Then the said Barber demanded of the said Surveyor, why he brought those Armed Men to attend him, who Answered, Ask Captain Cressap, upon which the said Barber made the same demand of Cressap, who reply'd, he had Orders from Governor Ogle to Raise the Militia and guard the Surveyor from the Pensilvanians while he Surveyed that Land. The said Barber further Demanded of the said Franklin, why he came so far Northward, Several Miles beyond the former pretentions of Maryland, he Answered, that his business was to follow the Governor of Mary-

land's Orders, which were to Survey all the Lands from Sasquahannah River to Cadoras Creek. And the said Cressap, seeing some People coming from the House of John Wright aforesaid, Ordered his Trumpeter to Sound and his men to draw together and Stand to their Arms, Altho not any of the Company with this Deponent, or coming from the House aforesaid, had any Arms, except one Gentleman, who had a hanger by his side; And the said Barber, personally knowing most of the men attending the Surveyor and Cressap, Asked them what they intended to do with their Arms? to which he was Answered by some of them, You had not best try us, and others of them said they would shoot the first man that should molest the Surveyor, among whom, Michael Reysener, one of Cressap's Men, said, in the hearing of this Deponent, that he would fire or Shoot first. And this Deponent further saith, that before the Company's parted, there came ten or twelve more of Cressap's Men, mostly Armed, and Cressap, after having Insulted this Deponent and those with him, with threatening Language, he, the said Cressap, and the Surveyor with their Armed men, proceeded on Surveying the Land aforesaid.

And this Deponent further saith, that some time in the Month of September last, Upon Information given to the Magistrates of Lancaster County, aforesaid, that preparations were making by Training and Mustering of the Militia, in Baltimore County, in Maryland, in order, as it was reported, for their marching into the said County of Lancaster, to dispossess of their Settlements Sundry Familys in the same County. He, this Deponent, was Employed by the said Magistrates to go into the said Baltimore County, in Order to discover what was intended by such an Extraordinary motion of their Troops. And this Deponent accordingly proceeded on his Journey, and being informed when he came to the borders of Maryland, that the place of their Muster was appointed near the Plantation of Nathaniel Rigby, (lately made a Colonel) at the upper part of Baltimore County, he, this Deponent, repaired thither. And, notwithstanding the Crowd of People met on that Occasion, and this Deponent's care to keep himself and his business there unknown, Yet he was taken into Custody, and kept during the time of the Muster, which held about twelve hours, in which time he, this Deponent, Observed a general discontent among those called the comon Soldiers. Notwithstanding the repeated declarations of the Officers to induce them, in the Governor's Name, to March of their own free will and accord, and not by Constraint; Yet all that the officers could say to that purpose proved ineffectual, So that Col. Rigby called for the Muster Roll, and with warmth upbraided the men with want of Duty to the Governor's Orders, and thereupon priet off a number of them out of his Company, and Commanded them, on the penalty of fifty Pounds each man, to meet at the same place on the next Friday with Arms and twenty Charges of Powder and Balls each man, to March up Sasquahannah River to a place called Conejochala.

And this Deponent further Saith, that the said Col. Rigby told this Deponent that he would March at the head of his men, and if the People of Pensilvania should resist and not Submit to those of Maryland, then the hardiest of them should fend off, (as his expression was) and further said, it was very strange that a Quaker Government, meaning Pensilvania, should offer to resist or Oppose Lord Baltimore, for that his Lordship's Province of Maryland Extended Six Miles higher or more Northward than the Plantation of John Hendricks, which lyes on the West side of the said River, where, on the Sunday following, this Deponent Saw the several Troops or Companys which came up from Maryland, with Drums beating and Trumpets sounding, were Mustering or Exercising in the Field of the same Plantation, from whence, upon the appearance of some men in Flats, coming over the said River from the other side; these Troops or Companys returned to the said Thomas Cressap's.

BENJ. CHAMBERS.

Philadelphia, Decembr 8th, 1736.

Taken before me,

CLEM. PLUMSTED, Mayor.

DEPOSITION OF JOHN ROSS, 1736.

City of Philadelphia, ss.

John Ross, of the County of Lancaster, in the Province of Pennsylvania, Yeoman, Aged about Forty Years, being Sworn on the Holy Evangelist, Deposeth and Saith, that on or about the Sixth Day of May last past, He, the said Deponent, was at the House of John Wright, Jun^r, on the West Side of Sasquahannah River, in the said County. That on Notice given at the said House that some Persons were Surveying of Land along the River Side, near the same, this Deponent, with Robert Barber, Benjamin Chambers, and some others, went to meet them, where a Man whose name was said to be Francklin, with a surveying Instrument, was Setting or taking a Course up the said River, Joseph Ogle and Thomas Gwin carrying the Surveyor's Chain after him, and Thomas Cressap, called a Captain, with about Twenty men, Armed with Muskets, Pistols, Blunderbusses and Cutlasses, were in Company with them. And this Deponent Saith that he heard the said Robert Barber demand of the said Surveyor by what Authority he Surveyed that Land, who was Answered, by the Lord Baltimore's. The said Robert Barber told the Surveyor and Cresap that the same Land had been long before that Time, Surveyed and Regularly returned into the Land Office at Philadelphia, in Right of Pennsylvania; but the said Francklin reply'd he should not regard that. Then the said Barber demanded of the said Surveyor, why he brought those Armed Men to Attend him, who Answered, Ask Captain Cressap, upon which the

said Barber made the same Demand of Cressap, who replied he had Orders from Governor Ogle to Raise the Militia, and Guard the Surveyor from the Pennsylvanians while he surveyed that Land. The said Barber further Demanded of the said Francklin, why he came so far Northward, several Miles beyond the former Pretensions of Maryland; he Answered that his Business was to follow the Governor of Maryland's Orders, which were to Survey all the Lands from Sasquahannah River to Cadorus Creek. And the said Cressap seeing some People coming from the House of John Wright, aforesaid, Ordered his Trumpeter to Sound and his Men to Draw together, and stand to their Arms, altho' not any of the Company with this Deponent, or coming from the House aforesaid, had any Arms, except one Gentleman, who had a Hanger by his Side. And the said Barber personally knowing most of the Men attending the Surveyor and Cressap, Asked them what they intended to do with their Arms, to which he was Answered by some of them, You had not best try us; and others of them said they would Shoot the First Man that should Molest the Surveyor, Among whom Reysener, one of Cressap's Men, said in the hearing of this Deponent, that he would fire or shoot first. And this Deponent further Saith, that before the Company parted, there came Ten or Twelve more of Cressap's Men, mostly Armed, and Cressap after having Insulted this Deponent and those with him, with threatening Language, He, the said Cressap, and the Surveyor with their Armed Men, proceeded on Surveying the Land aforesaid.

JOHN ROSS.

Philadelphia, Decemb^r 8th, 1736.

Taken before me,

CLEM. PLUMSTED, Mayor.

Indorsed.

Affidav^t John Ross.

DEPOSITION OF FREDERICK LATHER, 1736.

Pennsylvania ss.

Frederick Lather, late of Germany, but now of the County of Lancaster, and Province aforesaid, aged ab^t forty-five years, being solemnly Sworn upon the Holy Evangelists, Maketh Oath, that in ye later part of the Year One Thousand Seven hundred and thirty-three, one Thomas Cresop, Pretending to have an Order from the Governour of Maryland to Survey Lands, Laid out a Tract for this Deponent, on y^e West side of Sasquehannah River, near Codorus Creek, for Which this Depo^t paid said Cresop. That afterwards, to wit, in or about the Month of September, in the year One Thousand Seven hundred and thirty-five, the Governour of Maryland told this Depo^t, the s^d Cresop had no authority to survey Lands, and that his Sur-

veys were Invalid. That in the Month of May, One Thousand Seven hundred & Thirty-six, one Franklin, pretending to be a Surveyor from Maryland, came and surveyed this Deponent's Land a second time.

And this Depo^t further says, that after both Surveys were made, viz, in the Month of November Last past, one Daniel Sutherland came to this Depo^ts house, and told this Deponent he was sent by y^e s^d Tho^s Cresop, to let him know that the Land this Depo^t dwelt upon, belonged to y^e s^d Cresop, and that he y^e s^d Cresop would speedily remove this Depo^t and his family from off the same. And this Depo^t further says that he has great Cause to believe that if y^e s^d Cresop had not been apprehended & secured, he would speedily have perfected the same, to this Depo^ts utter ruin, and further says not.

His

FFREDERICK ~~X~~ LATHER.

Mark.

Which Oath afores^d, was taken at Lancaster afores^d, this Ninth day of December, One Thousand seven hundred & thirty-six, before Tobias Hendricks, Esq^r, one of his Majesties Justices of the Peace, for the s^d County.

TOBIAS HENDRICKS.

Indorsed.

Depo^t Ffredrick Lather.

DEPOSITION OF BALSER SPRINGLER, 1736.

Pensilvania, ss.

Balser Springler, late of High Germany, but now of the County of Lancaster & Province of Pensilvania, Aged ab^t twenty-Six Years, being Solemnly Sworn upon the Holy Evangelists, maketh Oath, That in the Begining of the Year One Thousand Seven hundred and thirty-three, this Deponant, by Virtue of a Grant from the Proprietors of Pensilvania, went and built a House, in Order to Settle with his family upon a tract of Land Lying on Codorus Creek, on ye West Side of Sasquehannah River, ab^t twelve miles Westerly from John Hendricks, But this Depo^t Refuseing to have the s^d Land Surveyed by one Thomas Cresop, who Pretended to have an Order from the Governour of Maryland to Survey Lands in those Parts, The s^d Thomas Cresop Surveyed the s^d Land with this Dep^ts house & Improvem^t unto one John Keller, who came and Settled thereon; and Altho' Afterwards the s^d Gov^r of Maryland & Thomas White, said to be Surveyor General of Baltimore County, Told this Depo^t in the hearing of many People, that ye s^d Cresop had no Authority to Survey Lands, Yet, Nevertheless, this Depo^t was wholly deprived of his Land and Improvements by means of the s^d Cresop, and was forced to make Provision Elsewhere for the Support of himself & Family.

BALSER SPRINGLER.

Which Oath afores^d was taken at Lancaster aforesaid this Ninth day of December, One Thousand Seven hundred & thirty-Six, Before me, Tobias Hendricks, Esq^r, One of his Majestie's Justices for the said County.

TOBIAS HENDRICKS.

DEPOSITION OF GEORGE HORNSPACKER, 1736.

Pennsylvania, ss.

George Hornspacker, Late of Germany, but now of the County of Lancaster, in the Province of Pennsylvania, aged about fifty years, Being Solemnly Sworn upon the Holy Evangelists, maketh Oath, that in the year 1735, one Ffredrick Ebert, Late of Germany, but now of the County of Lancaster, afs^d, Removed from the East side of the River Sasquehannah & took up a tract of Land on the West side of the said River near Codorus Creek, and Cleared, Improved & Sowed a field of wheat, with intent to Build a house & Settle thereon; That in the month of May, 1736, one Ffranklin, pretending to be a Surveyor from Maryland, Accompanied with Thomas Cressap & others, Came & Survey'd the said Ebert's Improved Land with the Lands adjoining thereunto, and Sold the Same to one Ffelty Shults, and Also threw down the fence, Destroyed the Corn, and Deprived the s^d Ebert of his Settlement, and further Says not.

his

GEORGE ✕ HORNSPACKER.

mark.

Which Oath aforesaid was taken at Lancaster aforesaid, this tenth Day of December, 1736, Before me, Tobias Hendricks, one of his Majestie's Justices of the peace for the said County.

TOBIAS HENDRICKS.

DEPOSITION OF MICHAEL TANNER, 1736.

Pensilvania, ss.

Michael Tanner, late of Germany, but now of the County of Lancaster and Province of Pensilvania, aged ab^t thirty years, upon his Solemn Affirmation, according to Law, Saith, that by Virtue of a Grant from the Proprietors of Pensilvania, bearing dated the Seventeenth day of September, One Thousand Seven hundred & thirty-four, this Affirmant went and Settled on a tract of two hundred Acres of Land on ye West Side of Sasquehannah River, about Six Miles South Westerly from John Hendricks, and built and Improved upon the Same; that in the Latter part of ye said Year & the Year fol-

lowing, one Thomas Cresop, pretending to have an Order from ye Governour of Mary Land to Survey Lands, came into the Neighbourhood of this Affirm^{ts} and Surveyed upwards of forty tracts of Land for this Affirm^{ts} Countrymen, the Germans, living in those Parts, but this Affirm^t Refusing to have his Land Surveyed by s^d Cresop, he, the s^a Cresop, Surveyed this Affirm^{ts} Buildings with all his Improved Land, unto one Daniel Low; And this Affirm^t further Says, that altho' in or about the month of September, One Thousand Seven hundred and thirty-five, The Governour of Mary Land & one Thomas White, of Baltimore County, said to be Surveyor General, Told this Affirm^t that the s^d Cresop had no Authority to Survey Lands, and that all his Surveys were Invalid, yet, Nevertheless, the s^d Daniel Low, with his family came and dwelt in this Affirm^{ts} house.

And this Affirm^t could have no redress, but was Obligated to pay the s^d Low Eight pounds for the house which this Affirm^t at his own Proper Costs had built, or Otherwise must Wholy lose his said Buildings & Improvem^{ts}, of a Considerable Value, and himself & family be Exposed to the Open air without Shelter or means whereby to Earn them bread.

MICHAEL TANNER.

Which Affirmation afores^d was taken at Lancaster afores^d this tenth day of December, one Thousand Seven hundred & thirty Six, Before me, Tobias Hendricks, Esq^r, one of his Majestie's Justices of the Peace for the said County.

TOBIAS HENDRICKS.

DEPOSITION OF JOHN ROSS, 1736.

City of Philadelphia, ss.

John Ross, of the County of Lancaster, in the Province of Pennsylvania, Yeoman, Aged about Forty Years, and Benjamin Starret, of the same County, Yeoman, Aged about Thirty Years, being Sworn on the Holy Evangelist, Do Declare and Say, That these Deponents having been in the Month of November last required by the Sheriff of Lancaster County aforesaid, to Attend him in bringing Thomas Cressap Prisoner from the Town of Lancaster, in the County aforesaid to the City of Philadelphia, He, the said Cressap, in the hearing of these Deponents, as well at the said Town as on the Road to Philadelphia, Said that a Body or Company of Men would soon be Sent from Maryland to the said Town of Lancaster, who would take and burn the same to Ashes, And he, the said Cressap, further Said, that it was our best Way (meaning the Sheriff and his Attendants) to remove him, the said Cressap, from thence as soon as possible; And the Deponent, John Ross, doth further Say, that the said Thomas Cressap Threat'ned that the House of him, the said John Ross, wherein John Emerson, Dece'd, lately Dwelt, on the East Side of Sasquehannah

River, should very Soon be taken and burned to Ashes, and this Deponent, John Ross, in it, by some Men who were to be Sent for that Purpose from the Government of Maryland, and that it would be his, this Deponent, John Ross's best way not to Expose himself to the Danger of being burned in his House, or taken and carried away Prisoner to Maryland, which he, the said Deponent, John Ross, might daily Expect.

JOHN ROSS,
BENJAMIN STARRET.

Sworn at Philadelphia, the 10th Dec^r, 1736,

Before me,

CLEM. PLUMSTED, Mayor.

DEPOSITION JOHN ROSS, 1736.

John Ross, of the County of Lancaster, in the Province of Pennsylvania, aged forty years, being solemnly sworn on the Holy Evangelists, maketh Oath, That on the fifth day of September last, being Sunday, having heard that a great Number of the Militia of Maryland, with their Officers, had entered the County of Lancaster, and were come to the house of Thomas Cressap, on the west side of Susquehannah River, this Deponent, with several Inhabitants of the Said County, went over to the same side of the River, and met at the house of John Wright, Jun., where one of the Magistrates of the said County, then being, this Deponent was dispatched with a written Message to the Sheriff of Baltimore County, who was said to have come up with the Militia, to know the meaning of this Extraordinary Procedure of the People of Maryland, and setting forward with one James Pattison for his Guide, he met within a mile and a half of the said Wright's house, a Body of men on horseback, to the number, as this Deponent believes, of about three hundred, Armed with Guns, Cutlasses, and some with Pistols, marching with Beat of Drum & Sound of Trumpet. That he saw several persons who were called officers of this Militia, or Commanders, whose names he afterwards learn'd were Edward Hall and Nathaniel Rigby, called Colonels Aquila Peca and Guest, called Captains. That William Hammond, Sheriff of Baltimore County, was likewise with them, and this Deponent delivering his Message to Col. Rigby, who appeared to be the principal Person. Rigby told this Deponent verbally, that they were Marching forwards to the house of the said John Wright, from whence this Deponent came; That Thomas Cressap, who was with the said Militia, laying hands on Pattison the Guide, seized him, telling the Sheriff of Baltimore that he was a fifty Pound Chap, and bid the Sheriff look in the Proclamation, & he would find Pattison's name there; but the Sheriff saying he could

not find it, Cressap bid him look in another of an older date for the name was certainly in one; but the Sheriff said again he could not find it. Cressap then charged this Deponent as a Rioter, and said he had seen him in several Riots, and he ought to be seized likewise; but the Officers and Sheriff appearing to disregard what Cressap said touching this Deponent, no Violence was offered to him; but Cressap insisting that the Guide should be detained, because a Proclamation with a Reward for apprehending him was issued, the Deponent refused to return without him, and at last, with some difficulty, the Guide was Suffered to return with this Deponent. That the Militia, aforesaid, then marching on by Beat of Drum and Sound of Trumpet, in a warlike manner, came to the Plantation of John Hendricks, at a small distance from Wright's, and sent a Message in writing as this Deponent understood, to the Sheriff of Lancaster, at said Wright's house, that thereafter some of the said Militia Officers came to Wright's house, and desired to Speak with some Dutch Men, who were then there, particularly Michael Tanner & Peter Gartner; but these People declaring their Apprehensions that the Marylanders were come to carry them away because they would not Acknowledge the Jurisdiction of Maryland in those parts where they were settled, these officers were told they could not see them, but the Dutch sent, as this Deponent was informed, a Message to them in writing, that this Deponent went to the house of Hendrick's after the Militia was come there, & saw several of them with their swords drawn at the door of the house; that towards the Evening a considerable Number of people, of Lancaster County, came over the River in three Flats, whereupon the Militia of Maryland Beat their Drum, and, as this Deponent believed, they intended to stand to their Arms, for they marched towards the River in a Body, but after firing one Blunderbuss, they thought fit to retreat to the house of Thomas Cressap. That next day being Munday, this Deponent carried another written Message from the Sheriff of Lancaster to the Sheriff of Baltimore, then at Cressap's, with the said Militia; that upon delivering the same, the Sheriff and Officers consulting together, returned a Written Answer, & entring into some Conversation with this Deponent, he pressed that, agreeable to the Message he had brought them, they or some of their Number would meet the Magistrates of Lancaster to confer together; but the Sheriff of Baltimore & Col. Rigby refused. That during this Deponent's Stay at Cressap's, he saw several of the Militia cutting barrs of Lead & making Bullets, & this Deponent enquiring for what use they intended the Bullets, he was told they were to Shoot Pensylvanians. This Deponent told them the Pensylvanians were neither afraid of them nor their Bullets, and if they were attackt he believed they would defend themselves. That Cressap hereupon insulted this Deponent, and Cursing the Quakers and their Government, said he wondered at their Impudence to make such demands as they had done by their last Message, and Challenged this Deponent to fight him.

And this Deponent further saith, that the Militia of Maryland marched about noon to the houses of Joshua Minshall, Mark Evans, and Bernard Weymores; that one John Hendricks, who was likewise with the Militia, having found means to decoy one John Wilkins, an Inhabitant of Lancaster County, he was Seized & carried to Cressap's, from whence they had sent him bound under a Guard to Maryland. That it was pretended this Wilkins was one of those for whom a Reward was also offered by Proclamation. That this Deponent went to Bernard Weymores with a Message from the Sheriff of Lancaster, to procure the Releasement of the said Wilkins, but the Sheriff of Baltimore would neither Accept of the Message nor Suffer it to be read. That the People of Lancaster County who were mett at Wright's house, being grown numerous, and resolving to stand upon their Defence, the Militia of Maryland did not think fit to attack them, but seperating in two Bodies, one of them went with the Sheriff, as this Deponent was informed, to the houses of some Dutchmen, where they took some Linnen and Pewter on pretence of publick Dues owing to the Government of Maryland, and the other Body of them went towards Maryland.

JOHN ROSS.

Philadelphia, Decembr 11th, 1736.

Taken before me,

CLEM. PLUMSTED, Mayer.

DEPOSITION OF THOMAS COULSON, 1736.

Chester ss.

The Affirmation of Thomas Colston Taken before me y^e Subscriber, One of his Magist^{rs} of y^e Peace, for s^d County, this 21 instant, is as followeth, vid^{et} This Affirmes^t: being in Baltimore County, in Maryland, y^e 20th instan^t, toords y^e Eveing Meet With Charles Hickenbottom Who told him y^t he Came then from Cor^{nl} Rigbes, at y^e plantation of Thomas Whites. The sd Hickenbottom told this afirme^t y^t he had bin vere much Abused by y^e Gover^{nr} of Pennslvania, and y^t he Was then Agoing With a leater from Corp^l Rigbe to y^e Gove^{nr} of Maryland to Se What in Couragement he would Give Him; & this affirmant Thinks y^t sd Hickenbotom Expected to be incouraged by Stranth of arms, to Setel On y^e Duch Settlements On Susquhanah, and to be soported by A fortification, & to take y^e Season of y^e year Which is a Coming On, be Cause y^t y^e Penslvanians Cant Cross y^e River in y^e Winter Seson to Make y^e sd fortification. This affirmest further saith not.

THOMAS COULSON.

The Above taken before me
y^e Day and year Above sd.

ELISHA GATCHELL.

Indorsed.

Affirm^a Thomas Coulston.

COPY CERTIFICATE MAYOR OF PHILAD'A, TO THE COPIES OF
THE ORIGINAL AFFID'TS, 1736.

To all to whom these presents shall or may come, Greeting: I Clement Plumsted, Esquire, Mayor of the City of Philadelphia, in the Province of Pennsylvania, do hereby Certify that the several and respective and original affidavits or Depositions of Samuel Smith, Esquire, Samuel Scott, Arthur Buchanan, David Priest, John Kelley, Benjamin Starret, Benjamin Chambers Daniel Southerland and John Ross, being eleven in number, were made and taken before me; and that the hereunto annexed are true and exact copies, and were by me carefully compared with the several Originals remaining in my custody.

In Testimony whereof, I have hereunto set my hand, and caused the publick seal of the said City to be affixed at Philadelphia, the eleventh day of December, in the tenth year of His Majesty's Reign, Anno Domini, 1736.

MITTIMUS FOR TWO PRISONERS, 1736.

Maryland ss.

I herewith send You Bodyes of Joseph Evans and Michael Tanner, of Baltimore County, Labourers, who were brought before me this Day, and are charged upon Oath with having assaulted and Imprisoned Daniel Lowe, of the said County, Planter, and Violently and Forceably carrying the said Daniel Lowe from his Own habitation, and Imprisoning and keeping in Prison the same Daniel, in the Province of Pennsylvania, to the Grievous Loss and Great Damage of the said Daniel, and against the Peace.

These are therefore to Command You to Receive the said Joseph Evans and Michael Tanner into Your Custody, and them safe keep untill they shall Give sufficient security for their personal appearance at the next Provincial Court, to answer the promises, and in the mean time to keep the peace, and be of Good behaviour, or that they be otherwise discharged by due Course of Law. Given under my hand and seal this fourth day of Jan^{ry}, Anno. Domini, 1736.

ROB'T GORDON.

To the Sherriff of Annarundell County.

Vera Copia ☞

ZACHA. MACCUBBIN, Sheriff of Annⁿ co'ty.

Security in Two hundred pounds Currency for each, one hundred pound each security, and one hundred pound each prisoner.

MITTIMUS FOR CHARLES JONES, 1736.

Maryland, ss :

I herewith send You the Body of Charles Jones, of Baltimore County, Planter, who not only stands charged with having Assaulted one John Lowe, of the said County, Planter, and with Force and Violence Carried the said John Lowe into Pensilvania and there unlawfully imprisoned the said John Lowe to his great damage, but also with disturbing divers of the Inhabitants of the said County by threatening and menacing them that unless they Acknowledged the Places of their Residence, which they held under the Right Hon^{ble} the Lord Proprietary of this Province, to be part of Pensilvania, and shook off the Obedience due from them to the Laws of this Province, that they should be Turned out of their Possession, devested of all their Property and Imprisoned, and with having excited and Stirred up divers Persons who had Actually settled within the said County and peaceably held the Lands they lived on from his Lordship, to Disown this Gov^t and to Refuse any Obedience or Submission to the Laws of this Province, to the Great Terror of Maryland and Evil Example of Others of his Majesty's subjects.

These are therefore to Command You to receive the said Charles Jones into your Custody and him safe keep until he Give sufficient Bail for his appearance at the next Provincial Court, to answer the Premises and to keep the peace and be of Good Behaviour in the mean time, or be Otherwise discharged by due Course of Law.

Given under my hand & seal this Fourth of January, Anno Domini, 1736.

ROBT. GORDON.

To the Sheriff of Annarundell County.

Vera Copia 

ZACHA. MACCUBBIN, Sher. of Annⁿ Co^{ty}.

Security in two hundred pounds Currency, one hundred pounds each security, and one hundred pounds each prisoner.

SAM. BLUNSTON TO PRESIDENT LOGAN, 1736.

May it please the President,

I am at a Loss how to begin my Letter or in what manner to Relate the Unhappy Condition our Affairs are in, And which is worse have no longer any hopes of Retrieving them, having sent one repeated Mesenger after another to Little purpose, I now send this last Expecting to Receive Conclusive Instructions, that we may know what to trust to and how to provide for ourselves. I sent word some time ago that the Banditi headed by Higenbothom were Considerably Increased, and are daily Increasing. They this Morning Early marched to

the back Dutch Inhabitants, being a pretty large number, and every house they came to Split with axes and broke open the Doors of the houses, and where they found any men carryed them away, Some they wounded and one woman and Child they left for Dead, and having Broke many houses and taken six Men, they Returned this after noon to their ffortress at Conejohela. We have a Garrison on the other side of about Ten or twelve hands, and this Morning they went back among the Settlem^{ts} to Prevent or oppose any attempts might be made on the Dutch, and in theyr way met Henry Hendricks' wife coming down with the news of what was done, her husband came down to the river last night and by that means Escaped, for they broke his house and searched for him, and his wife taking a horse to come off, they fired at her and Narrowly Missed her, but by the fright o^r her horse Running her against a tree, she is much hurt, our people, who were then about 15, hearing what was done followed the prisoners, who they track'd by the blood, in hopes of Retaking them, And we having account bro't to my house that our people were gone down after them, fitted out about 10 hands with horses from this side, who Imediatly followed, And Expecting to find our first people down at the ffortress of the Banditti went thither, and when they came in sight of the House the Centinels gave notice, and their whole force came out and fired at our men, and shot a horse belonging to John Ross, on which one Michael Atkinson Rode, & took the rider prisoner, and 'tis feared the man is also killed, and another of our Company, one Daniel M'Kinny, being lighted from his horse and advanced a little before the rest, they also took prisoner. John Ross also Narrowly Escaped being killed, one of the Charletans Swearing he would kill him fired at him, and the Bullet went just by his head. They pursued our people first on foot and then on horse back 2 or three miles, but as our two Companys never Met Each other till after, they could make no head against 'Em and returned with the loss of Eight men in all, Two horses and some arms, John Ross's horse Dyed on or near the spot. This Michael Atkinson is the man for whome we grieve most, being one of those who help'd to take Cresap, was a hearty bold man but in Low Circumstances, and has in this Neighbourhood a wife & three or 4 small Children who subsisted by his Labour, he being a Taylor, And I am Very Apprehensive if he is not killed or wounded he may perrish, being very thin Cloathed & of a weak Constitution. We till now Expected the Dutch people's houses would have been some Security, but as they Break them there is no Defence but to come away and Leave their familys to perrish, or stay and be taken prisoners. We intend to keep 10 or 12 in Garrison to secure footing if we can on that side Untill we hear from you again, And we have purchased provision for that purpose, but if some person of suitable rank does not come up at the return of ye Messenger, to Establish a Garrison under some Chief and in some order, I believe we shall think proper wholly to Evacuate that side and Dispose as well as we can of our

plantations on the river on this side, and remove into some other Colony, for if they wholly gain that side, there is no staying for us here till things are Settled. Not that the Marylanders alone could make us remove, but we Look upon it we have more to fear from our own people than them, for as far as I can learn the Great part of our Province are in the Maryland Interest, and yesterday a man told me that he and five or six more had plotted together to waylay me at Chickasalonge Creek, on my return from the Burial of Ja. Anderson's wife, and carry me to Maryland for the reward, and the same person last night on my return home from Lancaster, proposed in my hearing to another in Company, that he shou^d Joyn in with him to do it. So that if the Marylanders or that Irish Ruffians with Higenbotom got possession of the shore opposite to us, there is no safety for any here for whom the Governm^t of Maryland offers money.

Thus things by Delay or Negligence or some unhappy fatality, seems to be come to a Crisis, And it is absolutely necessary Either to pursue measures of Defence, or Let Every one know he must look to himself as well as he can, And Expend no more money, men, and pains, about it, And I shall readily Consent to what Ever you think best, for if I save my Liberty I can only be ruined in my smal Interest, and that I Expect, let it go which way it will, for any thing I can see, And the same fate will attend my neighbours, but we must be Content with what is aloted us, and so I Conclude.

Thy fr'd,

SA. BLUNSTON.

Jan'ry ye 15th, 1736-7, Saturday night.

Please to let us know your result as soon as possible, and write what is to be Conclusive, for I do not purpose to send any more Messengers on the occasion, the fatigue of being harassed thus is unsupportable, and therefore requires a speedy Issue.

I wrote some days agoe Largely to the Proprietor, but had not opportunity to send it but by this Messenger. By the purport of many of his letters, I find he understands all this pains & Expense to be Chiefly taken for the benefit of the Inhabitants, and blames the Dutch that they don't defend themselves, which they can't possibly do. Now I always understood it was for the Proprietary Interest that we held possession there, and I have told him it is my opinion, if it is not for his Interest to keep it, it were best to Evacuate it, and let the people do as they can, for the Charge is great and much greater must be if we Defend it as they go on. As for Expecting the Sheriff, with the people he can raise, to be of any service in the affair, it will be in Vain. It must be held by a standing force or not at all, and if we do Lose footing there, It is certain Miserable will be the Effects thereof in all this part of ye Country. In such case I am pretty sure the Lands in all this part of the Country, will be no benefit to the Proprietor till the whole affair is settled, and I fear it would render the force of the Laws of little Effect among the Inhabi-

tants, so that it will be necessary to Consider the whole thing and resolve accordingly. If you have good reason to believe an order in the Spring will come from the king to stop these Violences, it will be best to try to keep footing on that side, for there is no Doubt but they will fortifie it if they get it, and you wel know that none can pretend to live near this shore, when a Band of Ruffians & highway-men possess the other & Comand the river. Pray don't leave us in uncertainty but let us know positively what is to be done, for 'tis now two weeks within a day since James Wright was with you and we hear nothing that is done nor no Measures taken.

There is no Doubt but all ye Dutch who do not fly will be speedily taken, and I know nothing that can be done for 'Em but prevent their perishing in prison, until some order comes from England, but I am Verry anxious about Michael Atkinson, that any thing may be done for him that can be done. In short I know not what more to write nor how to leave off, and shall only add that I am fearful I cannot keep a sufficient number of people on that side together, to Defend one house until I hear from you, and if they come away all is gone at once, nor I don't yet know whether I can get a Messenger to Carry my letter. The later part of the foregoing was wrote Sunday morning, and you may depend upon it that the actions of yesterday have not put me into surprise, neither at the writing hereof hath my apprehensions got the better of my Judgmt, but what I have said is the result of Cool thought and a mind full of trouble, much for my self & more for the public. I had forgot to Inform thee that two days agoe our people took one John Thomas, who lives on the other side, a little above Hendrixes; he had Listed with Higgenbotham, & taken the oath to aid, assist, & be true to them, but I believe he had not been in much action, tho' he is as Mischievous as he can, and so wou'd continue. He is put into our Gaol til we know whether you would have him sent down, for he was taken on the Provincial warrant. Three nights agoe al the prisoners in our Gaol were within a few minutes of geting out, and had Concluded to kill the Gaol keeper if opposed, but by Mere accident were discovered & prevented. Farewell.*

MITTIMUS FOR WM. CANNON, 1736.

Lancaster County ss.

To the Sherif of Lancaster County, or to the Keeper of his Majesty's Goal for the s^d County: Whereas William Cannon, late of the County afs^d, Laborer, hath this present Day been charged before me,

* See Col. Rec. Vol. IV. p. 149, 150. The date of the minute is incorrectly printed, it should be Jan'y 19th instead of 9th—see MSS. minute book.

upon Oath, that he, on the thirty-first Day of December last past, in a Riotous & tumultuous Manner, together with Thomas Crissop, John Low, Joseph Flint, Joseph Powel, and divers other Persons unknown, then at the Township of Hempfield, in the County afs^d, assembled & gathered together, beset the House of Joshua Minshal, of the s^d County, yeoman, and much mischief then threatened to do unto him the s^d Joshua Minshal, and Jane, his wife, to the great Disturbance of the Peace of our Sovereign Lord the King, & to the Terrour of his Majesty's Liege People. And the s^d William Cannon having been required to find sureties for his appearance at the next Court of General Quarter Sessions of the Peace to be held for the County afs^d, and then and there to answer the Premises, and as also that he shall be of the good Behaviour towards all his Majesty's Liege People, which he hath refused to do.

These are, therefore, in his Majesty's name, to require You that upon sight hereof, You receive and take the s^d William Cannon into your Custody, and him safely keep in his Majesty's Goal afs^d, there to remain untill he shall find such suretys as afs^d, or be otherwise discharged by due Course of Law; Whereof fail not. Given under my hand and seal, at Lancaster afs^d the Eighth Day of March, in the eighth year of his Majesty's Reign.

SA. BLUNSTON.*

DEPOSITION CATHE. SHULTZ, 1736.

Pensylvania, ss.

Catherine, wife of Martin Shultz, in the township of Hallem, in the County of Lancaster & Province of Pensylvania, aged about twenty-seven years, On her solemn Affirmation Declares, that on the seventeenth Day of this instant March, about fifteen Men, Armed with Guns & pistols, came to their House, in the township afs^d, & searched for her husband. But he being from home, they demanded of this affirm^t the Key of a Room in which was a Cask of Rum, which this affi^t Refusing to Deliver, they assaulted her & Endeavoured to take it from her. But not finding the Key, they, the afs^d Armed Men, took an axe & Broke the Door of a House in which was the Hogshead of Rum, & by force took from thence the s^d hogshead with about Eighty Gallons of Rum therein. And a servant of the s^d Shultz being then in the field at work, with two Horses & a sled, the same Armed Men went to the s^d servant & threatened to Kill him Immediately if he did not Bring the horses and sled & go with them, & presented a Gun towards him. And the s^d servant, being terrified with their threatening, let them have the horses and sled, On which sled the afs^d Armed Men Loaded the hogshead of

* See Colon. Records, Vol. iv. p. 149, 50.

Rum & Carried it away to John Low's house, as the s^d servant told this affirm^t when he Returned with the horses & Empty sled. And this Affirm^t further says, that the Armed Men who took away their Rum, are the same, or some of them are the same persons, who came to their house some weeks before, & then Broke & split Open a large Chest in the house with an axe, pretending to search it to find her Husband; and that they are the same persons who have Gone about in that Neighbourhood to take the Dutch men prisoners, and carry them to Anopolis in Maryland.

Her
CATHERINE SHULTS.*
Mark.

Taken at Hempfield, in the County afs^d,
this nineteenth Day of March, 1736.

Before me,

SA. BLUNSTON.

Indorsed.

Deposition Catherine Schultz, of Hickenbottom's Company, Stealing Rum, 19 March, 1736.

DEPOSITIONS ABOUT CRESAP, HIGGINBOTHAM, &c.

James Logan, Esq., Presid^t, and the Council of the Province of Pennsylv^a.

To all to whom these Presents shall come, send Greeting: Know ye that Clement Plumsted, Esquire, who hath certified under his hand & the seal of the City of Philad^{ia}, that before him the Oath of Robert Charles, Gentleman, Secretary of the said Province was made, touching the several hereunto annexed Copies of sundry Depositions & affirmations, is Mayor of the City of Philad^{ia}, and that to such Certificates by him made & signed under the Seal afores^d, all due Faith & Credit is & ought to be given.

In Testimony whereof, We have caused the Great Seal of the s^d Province to be hereunto affixed at Philad^a, the 21st Day of March, 1736-7, in the tenth year of the Reign of our Sovereign, Lord George the Second, by the Grace of God, of Great Britain, France & Ireland, King, Defender of the Faith, and so forth.

Robert Charles, Secretary of the Province of Pennsylv^a, being solemnly sworn on the Holy Evangelists, maketh Oath, that the hereunto annexed are true Copies of the following Depositions and affirmations, by him faithfully examined & compared with their Orig^{ls} remaining in his Office, to wit: The Deposition of William Russell, No. 1, taken before Derrick Updegraaf, Esq^r., one of his Majesty's

justices of the Peace, for the County of Lancaster; The Deposition of Christian Crowles, No. 2, of Jacob Lochmun, No. 3, taken before Tobias Hendricks, Esqr., another of his Majesty's justices of the Peace for the said County; The Deposition of Toley Miller, No. 4, taken before Samuel Blunston, Esqr., another of his Majesty's justices of the Peace for the said County; The Deposition of Mathusalem Griffith, No. 5; of Edward Randle, No. 6, taken before the above named Tobias Hendricks; The Deposition of Daniel McConnell, No 7, taken before the above named Samuel Blunston; The Deposition of John Patten, No. 8; of James Patten No. 9, taken before the above named Tobias Hendricks. The affirmation of Joshua Lowe, No. 10; of Michael Tanner, No. 11, and of Joseph Evans, Conrad Strickler, Jacob Welfhabet & Henry Barr, No. 12, taken before Clement Plumsted, Esqr., Mayor of the City of Philad^{ia}. And that at the time of taking the said several Depositions, they, the said Derrick Updegraaf, Tobias Hendricks & Samuel Blunston, Esqr^s, were, & now are, justices assigned for keeping His Majesty's Peace within the County of Lancaster afores^d.

ROBT. CHARLES.

Be it Remembered, that at Philadelphia, the 19th day of March, 1736-7, before me, Clement Plumsted, Esqr., Mayor of the City of Philad^{ia}, personally came the above named Robert Charles, & [L. S.] made Oath as above is contained. In Witness whereof I have hereunto set my Hand & caused the Seal of the said City to be affixed the Day and Year afores^d.

CLEM. PLUMSTED, Mayor.

DEPOSITION OF ANDERSON AND MONTGOMERY, 1737.

City of Philadelphia, ss.

Robert Anderson, of the County of Chester, in the Province of Pennsylvania, Yeoman, and John Montgomery, of the same County, Mason, make Oath, That on the nineteenth Day of December last past, They, these Deponents, went together upon some Business to ye House of Colonel Nathaniel Rigby, who lives on the West Side of Susquehannah River, where they saw one Charles Hickenbottom, who told these Deponents that he was going up the next Day to a place called Conejohola, on the West Side of Susquehannah River, with several Persons then with him, whom he had listed to serve and assist him in turning some Persons out of Possession of their Lands and Plantations, that were settled above Conejohola; that he asked these Depon^{ts} to list themselves in his Service, and told them he would give each of them two hundred Acres of the said Land, and shewed these Deponents a List of about fifty six Persons that he

said were to be apprehended, and told them that the Government of Maryland was to pay for apprehending the s^d Persons, and that there was to be paid by the said Government, for taking of John Wright, Samuel Blunston, Edward Smout, Samuel Smith, Sheriff of Lancaster, Esq^{rs}., and one John Ross, the Sum of one hundred Pound each, and for Michael Tanner, Charles Jones, and Joshua Minshall, of Lancaster aforesaid, the Sum of twenty Pounds each, and for the other Persons mentioned in the said List, ten Pounds each, and that Money was lodged in the Hands of Collonel Rigby, to pay for the taking of the said Persons. That the said Charles Hickenbottom endeavoured to persuade these Deponents to enlist and go up with him to Conejohola aforesaid, to Assist him, the said Hickenbottom, to apprehend the said Persons, and take Possession of the Plantations of the said Inhabitants above Conejohola, and told them that he had one hundred Pounds in Money then with him towards defraying the Expences, and if they would go with him he would pay them twelves Pounds p ann., and find and provide for their Meat, Drink, Washing, Lodging, and Apparel. That these Deponents told the said Hickenbottom they would not go with him, Upon which the said Hickenbottom told these Deponents, they should not go back again over the River to carry News about him, and sent for a Constable, who came and brought six Men with him; That upon the Constable's coming to Rigby's, the said Hickenbottom ordered a Mittimus to be wrote, and pulled out his Commission, which he said he had from the Govern^r of Maryland, and told these Depon^{ts} he had Power to send them to Goal, and there they must go if they would not list themselves, or give three hundred Pounds Security that they should not return over the River to Chester County, where these Deponents lived. That these Deponents finding themselves under Difficulties, and being destitute of Friends and Acquaintance there, rather than go to Goal in the extream cold Weather, to lye there without Friends or Money to support them, consulted together what Measures to take, and thought It more adviseable to proceed with the said Hickenbottom to Conajahola aforesaid, which was about forty Miles from Coll^o Rigby's, and embrace the first Opportunity to get away from him. That a few Days after these Deponents went up with the said Hickenbottom to Conajohola, the said Hickenbottom apprehended six of the Inhabitants who were burying a Child, and afterwards ordered these Deponents and ten of the said Hickenbottom's, men to guard the Prisoners and carry them Down to Coll^o. Rigby's. That after they had brought the said Prisoners to Coll^o. Rigby's House, Rigby not being at home, Hickenbottom took Horse in Order to find him out, and in the Evening returned with the Sheriff of Baltimore County, and said Rigby's Son, and imediately sent the Prisoners away to Annapolis. That these Deponents next Morning, while Hickenbottom was in Bed, took to the Woods, and thence to the River Susquehannah, and crossed the said River upon

the Ice to the great Hazard of their Lives, near a place called Rock Run.

ROBERT ANDERSON,
JOHN MONTGOMERY.*

Sworn, the 12th Day of April,
Anno. 1737. Before me, Witness my hand }
and Seal of the City,
CLEM. PLUMSTED, Mayor. [L.S.]

WARRANT TO ARREST SEVERAL RIOTERS, 1737.

THOMAS GRÆME, ESQ., one of the Justices of the Supreme Court of the Province of Pennsylvania, To the Sherif, Constables, and other Officers of the County of Lancaster, within the said Province, Greeting, WHEREAS, Information hath been this day given to me, that on the twenty-ninth day of June last, at the township of East Nottingham, in the County of Chester, John Charlton, Joseph Parry, James Barrysford, James Dickson, and Hans Hamilton, with armed Force, & in a hostile Manner, an Assault did make upon Elisha Gatchel, one of His Majesty's Justices of the Peace for the said County of Chester, and him, the said Elisha, having bruised & grievously wounded, from Nottingham aforesaid, into the Province of Maryland, with Force and Arms, did carry & convey, and there did detain against the Will of him, the said Elisha, & in Violation of His Majesty's Peace. These are, therefore, in His Majesty's name, strictly to charge & command you, & every of you, that immediately on Receipt hereof, you apprehend the said John Charlton, Joseph Parry, James Barrysford, James Dickson, & Hans Hamilton, if found within your said County, & them in safe Custody, convey & bring before any of the Justices of the Supreme Court of this Province, or any Justice of His Majesty's Peace within the said County of Lancaster, to be dealt with according to Law. GIVEN under my Hand and Seal, at Philadelphia, the twenty-second day of July, 1737, in the eleventh year of His Majesty's Reign.

THO. GRÆME.†

* See Col. Rec., 188, 190, &c.†

† See Col. Rec., Vol. iv., p. 227, 228.

COPY INDIAN MINUTE OF COUNCIL WITH DELAWARES, AT
PHILA., AUG'T 24TH, 1737.*

PRESENT :

The Hon'ble THO'S PENN, Esq^r., Prop^r.J. LOGAN, Esq^r., Presid^t.

S. PRESTON,	R. ASSHETON,	} Esq ^{rs} of the Council.
C. PLUMSTED,	J. HASELL,	
J. LAWRENCE,	J. GRIFFITTS.	
A. HAMILTON,		
W. ALLEN.		

The Prop^r informed the Gentlemen present, that his Elder Brother and himself, having some time since had two Meetings with the Delaware Indians, one at Durham, & the other at Pennsbury, not only for the Renewal of friendship with those People, but likewise to adjust some Matters relating to Lands lying in the County of Bucks, which, tho' formerly fully & absolutely released by the Indians, then inhabiting those Parts, to his Father, yet they had of late made some claim to them. That the Indians who met at Pennsbury, having represented that some of their Chiefs were then absent, who ought to be consulted on the Occasion, nothing was then concluded on ; but that now a great Number of those Indians, with several of their Chiefs & ancient Men, were come hither to proceed on the Business, and he (the Prop^r) had given the Gentlemen the trouble of meeting to hear what is offered ; But that the whole might be the better understood, sev^l Papers containing what had passed at Pennsbury were read.

The Indians being then called in & seated, they were thus spoke to, Barefoot Brunston being Interpreter :

That on the Prop^r Tho^s Penn's coming into the Country, he was very desirous of seeing his Brethren, the Delaware Indians ; that on his elder Brother John Penn's coming hither, he had likewise the same Inclination, and they, the Proprietaries, together, had once met those Indians at Durham, & afterw^{ds} at Pennsbury ; that they could have wished to have seen those old Men who are now here at those Meetings ; that nevertheless, they are now pleased to see them, and are always glad of such opportunities to renew the old League and Friendship that had been estab^lished with them.

¶ That all the Indians must be fully sensible as well of the Justice of William Penn as of his great Love for all the Indians, since he

*This minute does not appear on the Records, nor any reference to it ; it was probably not a regular meeting of Council. The above title is indorsed on the sheet from which this is printed. There appears no minute of this meeting at Durham. When was it ? Smith in note to Law, Vol. 2., p. 116, alludes to it. What Deed was this ? See Smith's Laws, Vol. 2, p. 116. What Deed is here referred to ? if this date be correct (which is before Penn's Charter) to whom was it given ? The Deed next mentioned is the first known. The original is on parchment, in the Secretary's office. Also on page 47 of this Vol.

made it a Rule, constantly to be observed, neither to take possession himself, nor suffer other to possess themselves of any Lands without first purchasing them from the Indians, who had a Right to them. That when W. Penn's Sons saw the Indians at Durham, they mentioned the old friendship w^{ch} their Father had established w^h all the Indians, & entered into some discourse about the Lands lying

That at Pennsbury these Matters were again spoke to fully, but as sev^l of the Indians now here were not then present, it might be convenient that they should hear what then passed.

And the speech of May the 8 was read & interpreted to them.

Upon producing the Deeds referred to in that speech, to wit: one from Mayhkeerukkisho, &c., dated the 28th of August, 1680,* and the other from Idaquhon & sev^l other southern Indians, dated 15 July, 1682.†

The Indians now fully acknowledged & owned the last mentioned Deed to be true, and added that they had not a sufficient knowledge of it when they were at Pennsbury; but having since conferred w^h some of the ancient Men of the southern Indians, they are convinced of the truth of it.

As to the other Deeds, the Indians making some Hesitation, the same was not only read and fully interpreted to them, but likewise the Deposition of Joseph Wood, who was present at the said sale, and has signed as a Witness to the Deed, and likewise the Deposition of William Biles, who was present at this transaction, and remembers well all that then passed; and the whole matter being fully stated to the Indians, they desired till the afternoon to consider of the same.

P. M.

The Prop^r, Presid^t, & sev^l Genⁿ of the Council, being met, the Indians came, & being seated, Manawkyhickon, their speaker, delivered himself thus by the Interpreter.

That he is much rejoiced to see the Proprietor, whose Father was a good Man, and in his stead his son now stands; that being desirous to preserve and continue the same Love and Friendship that had subsisted between W^m. Penn and all the Indians, he now presents the Proprietor with a Belt of Wampum of four Rows; that he should be sorry if after this mutual Love & Friendship, any thing should arise that might create the least misunderstanding, which they will carefully endeavour to avoid.

That the Prop^r knows well how the Lines mentioned in the deed from Mayhkeerichshoe, &c., are to run; but they do not fully understand them.

Hereupon, a Draught was made, & the same being explained to the Indians, & they conferring together, their speaker proceeded and said:

* See Annals, Vol. 1, p. 540. Probably 20th Aug. 1686, see Smith, Vol. II., p. 111.

† See page 47.

That upon considering all that they had heard touching the said Deed, and now seeing the Lines in it laid down, they are sufficiently convinced of the truth thereof, & that the Lands mentioned therein were sold by their ancestors to W^m. Penn, & that they have no objection, but are willing to join in a full and absolute Confirmation of the said sale.

That, nevertheless, as the Indians and white People have ever lived together in a good Understanding, they, the Indians, would request that they may be permitted to remain on their present settlements and Plantations, tho' within that purchase, without being molested.

In answer to w^{ch}, the assurances that were given on this head at Pennsbury, were repeated and confirmed to them, and the Prop^r told them he woud speak further to them to-morrow.

Indorsed.

Copy Indian Minute of Council, 24 Aug^t, 1737, wth Delawares.

INDIAN DEED FOR LANDS ON DELAWARE, 1737.*

WE, TEESHAKOMEN, *alias* TISHEEKUNK, AND NOOTAMIS, *alias* NUTIMUS, two of the Sachema's or Chiefs of the Delaware Indians, having, almost three Years ago, at Durham, begun a Treaty with our honourable Brethren John and Thomas Penn, and from thence another Meeting was appointed to be at Pensbury, the next Spring following, to which We repaired with Lappawinzoe and Several others of the Delaware Indians, At which Treaty Several Deeds were produced and Shewed to us by our said Brethren, concerning Several Tracts of Land which our Fforefathers had, more than fifty Years ago, Bargained and Sold unto our good Ffriend and Brother William Penn, the Ffather of the said John and Thomas Penn, and in particular one Deed from Mayhkeerickkishsho, Sayhoppy and Taughhaughsey, the Chiefs or Kings of the Northern Indians on Delaware, who, for large Quantities of Goods delivered by the Agents of William Penn, to those Indian Chiefs, Did Bargain and Sell unto the said William Penn, All those Tract or Tracts of Land lying and being in the Province of Pennsylvania, Beginning upon a line formerly laid out from a Corner Spruce Tree, by the River Delaware, about Makeerickkitton, and from thence running along the ledge or foot of the Mountains, West North West to a corner White Oak marked with the Letter P, Standing by the Indian Path that leadeth to an Indian Town called Playwickey, and from thence extending Westward to Neshameney Creek, from which said line the said Tract or Tracts thereby Granted, doth extend itself back into the Woods as far as a Man can goe in one day and a half, and bounded on the Westerly Side with the Creek called Neshameny, or the most Westerly branch thereof, So far as the said Branch doth extend, and from thence by line to

* See Vol. II. of Smith's Laws, page 116, this usually called the "walking purchase."

the utmost extent of the said one day and a half's Journey, and from thence to the aforesaid River Delaware, and from thence down the Several Courses of the said River to the first mentioned Spruce Tree. And all this did likewise appear to be true by William Biles and Joseph Wood, who upon their Affirmations, did solemnly declare that they well remembered the Treaty held between the Agents of William Penn and those Indians. But some of our Old Men being then Absent, We requested of our Brethren John Penn and Thomas Penn, that We might have more time to Consult with our People concerning the same, which request being granted us, We have, after more than two Years since the Treaty at Pensbury, now come to Philadelphia, together with our chief Sachems Monockyhickan, and several of our Old Men, and upon a further Treaty held upon the same Subject, We Do Acknowledge Ourselves and every of Us, to be fully satisfied that the above described Tract or Tracts of Land were truly Granted and Sold by the said Mayhkeerickkishsho, Sayhoppy, and Taughhaughsey, unto the said William Penn and his Heirs, And for a further Confirmation thereof, We, the said Monockyhickan, Lappawinzoe, Tisheekunk, and Nutimus, Do, for ourselves and all other the Delaware Indians, fully, clearly, and Absolutely Remise, Release, and forever Quit claim unto the said John Penn, Thomas Penn, and Richard Penn, All our Right, Title, Interest, and pretentions whatsoever of, in, or to the said Tract or Tracts of Land, and every Part and Parcel thereof, So that neither We, or any of us, or our Children, shall or may at any time hereafter, have Challenge, Claim, or Demand any Right, Title, Interest, or pretentions whatsoever of, in, or to the said Tract or Tracts of Land, or any Part thereof, but of and from the same shall be excluded, and forever Debarred. And We do hereby further Agree, that the extent of the said Tract or Tracts of Land shall be forthwith Walked, Travelled, or gon over by proper Persons to be appointed for that Purpose, According to the direction of the aforesaid Deed.

In Witness whereof, We have hereunto set our hands and Seals, at Philadelphia, the Twenty-fifth day of the Month called August, in the Year, According to the English Account, one thousand Seven hundred and thirty seven.

MANAWKYHICKON, his ✕ mark,
 LAPPAWINZOE, his ✕ mark,
 TEESHACOMIN, his ✕ mark,
 NOOTAMIS, his ✕ mark.

The above Deed being read and explained to all the Indians at this Treaty, the following Persons, on behalf of themselves and all the other Indians now present, have agreed to Sign or put their Names to the same as Witnesses, in Token of their free and full consent to what the above named Monockyhickan, Lappawinzoe, Tisheekunk, and Nutimus, have signed and Sealed.

Sealed, Subscribed, and Delivered, TAMECKAPA, his X mark,
 in the presence of us,
 JAMES LOGAN,
 A. HAMILTON,
 RD. ASSHETON,
 JAMES STEEL,
 THOMAS GRIFFITT,
 WILL. ALLEN,
 THOS. FREAME,
 JOHN GEORGES,
 JAMES HAMILTON,
 EDWD. SHIPPEN,
 WM. LOGAN,
 JAMES LETORT.
 ROBT. CHARLES,
 JAMES STEEL, Jun.,
 JAMES STEEL,
 BEAREFOOT BRUNSON,
 Interpreter.

OCHQUEAHGTOE, his X mark,
 WAYSHAGHINICHON, his X mark,
 NECTOTAYLEMET, his X mark,
 TAARLICHIGH, his X mark,
 NEESHALINICKA, his X mark,
 NEEPAHEILOMAN, alias JO TU-
 NUM, his X mark,
 AYSHATAGHOE, alias CORNELIUS,
 his X mark,
 AYSOLICKON, his X mark,
 CHICHAGHEWAY, his X mark,
 JOHN HANS, his X mark,
 SHAWTAGH, his X mark.

BE IT REMEMBERED, that on the twenty third 7ber, Anno Domi 1757, before me, William Allen, Esqr., Chief Justice of the Province of Pennsylvania, personally appeared James Hamilton, of the City of Philadelphia, Esqr., and made Oath on the Holy Evangelists, that, after the above written Deed had, as above mentioned, been read and explained to the several Indians present, the same was, on or about the day of the date thereof, signed and sealed by the Four Delaware Sachems or Chiefs, all above named, viz., Manawhyhiekon, Lappawinzoe, Teeshacomin, and Nootamis, severally and respectively, in presence of this Depon^t, the s^d William Allen, and the several other Witnesses whose Names are there above subscribed, and also of the several other Indians who have thereto set their Marks to signify their Approbation of, and Assent to the s^d Deed. And that the Name James Hamilton, subscribed thereto, and above, is the proper handwriting of this Depon^t. And I, the s^d William Allen, do also Certify that the s^d Deed was executed, as afores^d, in my presence, and that the name Will. Allen, subscribed as a Witness thereto, is my own proper Handwriting. Witness my Hand and Seal, the s^d twenty third day of September, 1757.

WILLIAM ALLEN, Chief Justice.

Recorded in Book G, Vol. 1st,
 Page 411, ¶

C. BROCKDEN, Rec^r.

Indorsed.—Release from the Delaware Indians, August 25, 1737.

Recorded Page 100,

N. B. BOILEAU, Secy.

[L. s.] Entered in the Office for Recording of Deeds, For ye City & County of Philad^a, in Book G, Vol. 1st, Page 282 yr. The 8th May, A^d. Dⁱ. 1741.

Witness my hand & Seal of my Office aforesaid,

C. BROCKDEN, Rec^d.

GOV. GOOCH OF VIRGINIA TO PRESIDENT LOGAN, 1737.

MY VENERABLE FRIEND :

I received the favour of Yours of the 13th of August, which brought me a fresh Instance of your generous Concern for Publick Justice. in securing the Villains who committed the barbarous Murder in Orange County in this Colony : As I am very anxious to have them brought to a Tryal, I have sent the Bearer John Mundell with my warrant to receive them, and convey them Hither; and I am persuaded you will give proper Directions for their delivery to him, and that you will be pleased to help him with your Assistance and Advice for their more speedy and safe conveyance, which will be most secure from Constable to Constable. The messenger I sent to the Cherikees and Cattawba Indians writes me in a Letter I had from him, the very day yours came to hand, that the Northern Indians had, at the time he was treating with them, killed three of the Cattawba Nation, and five of their Horses, as they were returning from Hunting; and having had Eight more of their men killed since April last, they are so Exasperated, that they will harken to no Terms of accommodation, at lest, till they have their Revenge. But the Cherikees having fortunately found means to fall into a friendly conversation with a Party of the five Nations, had sent with them Deputys to conclude a peace for themselves: and since it is probable they may in their way call upon you, as I have made them sensible how much they owe to your friendship, I beg leave to recommend them to your further Favour in procuring for them a good Correspondence with your Indians, as the likeliest method to facilitate a Peace with the five Nations, which may prove a good step to induce the Cattawba Indians to pacifick measures. Whatever you shall think a proper Reward, for your honest Interpreter, whose diligence and faithfulness must not be forgot, be pleased to draw for it, and your Bill shall be honoured.

If you'll be so good as to shew any particular marks of your countenance to Mr. Armistead & Mr. Loeffs, two Gentlemen, with whom for expedition my messenger comes by water to the head of the Bay, I shall always acknowledge the Favour; 'tis a journey to them of Business as well as Pleasure, and no trouble they may meet with in the one, can lessen the satisfaction of the other, since it is to be transacted in your amiable City. If you should think proper to introduce them to your Proprietor, with my very humble service, it will be an additional good office done, for my mesenger comes by Land, the Gentlemen not going from hence so soon as I expected, and intending to stop at Annapolis in their way to your Province.

Sir, YR faithful & obed^t humb serv^t,

WILLIAM GOOCH.

7ber 3^d, 1737.

*See Col. Records, Vol. IV., p. 245.

COMMISSION TO R. PETERS AS SEC. OF LAND OFFICE, 1737.

John Penn, Thomas Penn and Richard Penn, Esquires, true and absolute Proprietaries of the province of Pennsylvania and counties of Newcastle Kent and Sussex on Delaware, To Richard Peters of the City of Philadelphia, Gen^t. Greeting, We reposing special Trust and Confidence in thy Prudence, Integrity and Ability, Know that we have nominated and appointed and do hereby constitute nominate and appoint thee the said Richard Peters to be our Secretary for the said province of Pennsylvania, and counties of Newcastle Kent and Sussex on Delaware, to prepare and draw up all writings and Instruments relating to the Land Office of the said province and counties which are to pass under the Hands of us or one of us, and to do every other act and thing that to the Execution of a Proprietary's Secretary of the said province and counties according to the Laws thereof does in any wise belong. And we do hereby authorize thee to receive and take into thy custody all Minutes, Records, and other papers belonging to the Secretary's Office to be by thee safely kept during the force of this Commission, To hold enjoy and possess the said office of Secretary, aforesaid unto the said Richard Peters with all the Fees, Perquisites, Emoluments and advantages unto the said office, usually appertaining or thereunto of Right in any wise belonging until our or either of our pleasures shall be further known therein: In Testimony whereof we have caused the great seal of our said province to be hereunto affixed. Witness, Thomas Penn at Philadelphia the Twenty sixth Day of October in the Eleventh Year of the Reign of George the second over Great Britain &c., King, Defender of the Faith, and the Twentieth Year of our Government Annoq Domini 1737.

ENDORSED

[A 8. Pa : 284]—Entered in the Office for Recording of Deeds for the City and County of Philadelphia in Patent Book A, Vol 8, Page 284, &c., the Third day of November Anno Dom : 1737. Witness my Hand and Seale of my office aforesaid.

C. BROCKDEN Rec^d itm.

Indorsed—Commission of Richard Peters to be Secretary of the Land Office.

* He was appd' Sec'y of Province Feb'y 14, 1742-3. See Colon. Records, Vol. IV, p. 639.

WARRANT TO ARREST RIOTERS AT GLOUCESTER, 1737.

Glouster ss.

To the Constable of New Town and to all other in the County of Gloucester :

Whereas Joseph Mickel of New Town in the County of Gloucester hath this present day being one of the People called Quakers, made affirmation before me Ja^s Hinchman one of his Majesties Justices of the Peace for the County afores^d, that Thomas Penn, Roger Fraam, Robert Charles, William Attwood, Ja^s Sherly, W^m Chancellor and Tho^s Sharp, all of Philadelphia, hath in a riotous manner entered in his Inclosures and did beat and maim the s^d Joseph Mickel & forceably entered his House and spoiled his Goods, and he declared that he was afraid of Further Harm to be done by the above named Persons, therefore he prayed Surety of the Peace against them.

These are therefore in his Majesties Name to command you forthwith upon Site hereof to cause Tho^s Penn, Roger Fraam, Robert Charles, William Attwood, Ja^s Sherly, Will^m Chancellor & Tho^s Sharp, all of Phila^d, to come before me or some other of his Majesties Justices of the Peace for the County afores^d if they can be found within the County afores^d, to find sufficient Security as well for their and Each of their personable appearance at the next Generall Quarter Sessions of the Peace, to be holden for the County afores^d, then and there to abide and do what shall be Injoynd them by the s^d Court and also in the meantime to keep the Peace and Especially towards the s^d Joseph Mickel and if any of the abovenamed shall refuse so to do, that then convey them to the Goal afores^d and deliver them to the Keeper thereof, Commanding you the aforessaid keeper to receive the aforenamed Tho^s Penn, Roger Fraam, Robert Charles, William Attwood, James Sherly, Will^m Chancellor and Tho^s Sharp, into your Custody and them there to keep untill they shall find such Security as afore or otherwise to be discharged by Law.

Given under my hand and Seal, Novembr 19th, 1737,

JAMES HINCKSON.

Indorsed—Copy, Warrant granted by James Hinckson, against Tho^s Penn and others for beating Joseph Mickel, dated Nov^r 19th 1737.

PETITION OF MILES FOY, &c., 1737.

To the Hon^{ble} James Logan, Esq^r, President of the Council of Pennsylvania.

The Petition of Miles Foy, Michael Rysner, and Jacob Matthias Minsher, of Baltimore County, in Maryland, now Prisoners in the Common Goal of Philadelphia,

Humbly Sheweth,

That Y^r Pet^{rs} were taken by an armed force of about fifty men

Reputed to be Inhabitants of Pennsylvania, Commanded by the Sherriff and some of the Magistrates of Lancaster County, the 24th Day of November, Seventeen hundred & thirty Six, at the place whereon the late dwelling house of Thomas Cressap, your Pet^{rs} fellow Prisoner, stood, in Baltimore County, after the said house was burnt, and your Pet^{rs} narrowly Escaped the flames and the fire of a great number of small arms discharged at your Pet^{rs} by the persons Commanded by the said Sherriff & Magistrates, and brought Prisoners to Philadelphia the twenty Seventh Day of the same Month, where Y^r Pet^{rs} have lain in the Common Goal ever since, without being charged with or called to answer any Accusation or Crime that they know of.

That so long an Imprisonment is Ruinous to Y^r Pet^{rs} and their poor famillys, who have nothing to support them but the fruits of Y^r Pet^{rs} Labour, and Contrary to the Laws of England and the Rights & Liberties of British Subjects, as Y^r Pet^{rs} humbly conceive and are advised.

Your Pet^{rs} therefore Pray Y^r hon^r to consider Y^r Pet^{rs} sufferings, and that Y^r Pet^{rs} may be no longer Restrained of their Liberty,

And they will Pray, &c.

MILES FOY,
MICHAEL REISNER,
JACOB MATTHIAS MINSHER.*

Indorsed.

Petition of Miles Foy, Michael Rysner, and Jacob Matthias Minscher, praying to be sett at Liberty. Deliv^d to ye Presid^t by Nov^r 28th, 1737.

Read in Council Febr 1st.

STATEMENT BY S. BLUNSTON OF INDIAN OUTRAGE, 1737-8.

To the Honourable the Proprietor, the President and Council is humbly Represented,

That

On Sunday night last an Accident happend which has given us some trouble, About eleven o'clock at night two Indians came into Samuel Bethel's house and ask'd for Drink, one of them having a naked knife in his hand, and with some difficulty Samuel's wife (he being in Bed) perswaded them out of the House and fastned the Door, when immediatly one of them with great Violence Darted a Board thro' a Glass Window into the House, which as it happend did no other damage than breaking the window. Sam^l Bethel was asleep, But there being two other men in the House, Viz, Daniel Southerland & John Judson, they went out to prevent their doing

* See Colon. Records, Vol. IV. p. 256.

further Mischief, whereupon one of the Indians with the knife wounded Southerland in the Belly & cut the Caul so that his Bowels came out, and immediately turned to the other Man and stabbed him in the Breast, which wound, tho' deep, slanting downward kept on the outside of the Bone, so that wee hope neither of the Wounds are Mortal, tho' both of 'em, especially Southerland's, are yet very ill. On Monday Morning several people of the Town went after the Indians and brought one of them back, and some of their own people went after the other but could not find him. The Indian that was taken they secured in our prison till wee could know whether the Wounded Men would recover, and yesterday wee sent some people to the Indian Town, where they found several of the Indians in great surprise, Our people let them know they were come in a friendly manner to invite them to a conference about the matter, and they agreed to meet me here to day, which they have accordingly done. What I said to 'em was to this effect, viz, That I was come to meet & speak to them about an Abuse comitted by two of their young Men on some of ours, without any provocation given on our Part, That when first our Men were Wounded wee thought they would have dyed, and therefore secured the Indian wee had taken untill wee could speak to them and Acquaint them with it, But that now wee were in hopes our people wou'd recover wee released the Prisoner and delivered him to them, for that wee did not intend to punish him for the offence, but expected they would make such Reparation as the Nature of the Crime should require. That the friendship between our people and theirs might remain firm. I also informed them that this Man was seen to carry a naked sharp pointed knife in his hand before he did the Mischief, And that I had often seen their People go among ours with sharp pointed naked knives, which Practice I thought they would do well to discourage. I further let them know that I would write an Account of the Affair to the Proprietor, the President, & Council, and desired they would let me know what I should say from them, To which after a short consultation Sukaw on behalf of himself & Weyewas, their King, (who was here) made answer, That all the Indians who were here (except themselves) were Young foolish Men, with whom they could hold no Council, therefore desired I would write an Account of the Affair to you, and when they received your Letter they would call their Old People together and take Counsel what was proper to be done, And having before delivered them the Prisoner, when wee had done they asked if he might go along with them, to which we agreed, and they departed. It seems unnecessary for me to observe anything hereon, except that the charge which will arise on the occasion, for Nursing the Man, & to the Surgery and other expenses necessary, ought in due time to be defrayed, But we know not without your advice where properly to apply.

I am with Due Respects,

Your assured friend,

SA. BLUNSTON.

Lancast., March ye 8th, 1737-8.

Directed.

To the Honourable Jame Logan, Esq.,
President of the Council,
at

John Ross. Philadelphia.

Indorsed.

Representation of an Outrage committed by two Indian Young men at Lanca^r.

Read in Co^l, Mar. 14th, 1737-8.

INDIAN RESOLUTION RESPECTING RUM, 1738.

Alleghenia, March 15, 1737-8.

This Day we held a Council, and itt is agreed by the Sheynars in General, that what ever Rum is in our Townes shall be broak and spilt, and nott Drunk, and however shall bring any Rum, or any sort of strong Liquor into our Townes, Ind^a of or white man, Lett it be more or less, itt shall be all broak and spilt in the Presence of the Whole Townes, where so ever it is Brought, and four men is appointed for Every Town two see that their is no Rum or strong Liquor Brought into our Townes, and to Have it for the Tarme of four Years from Date.

LAYPAREAWAH	OPEHASAS SON,	OPETHUMER, SEN'R,
NEWCHUONER	D'BT. KING,	NOYETTEANGER,
COYEACOLINNE,	CHIEF COUNCIL,	CAPPETANNE,
TECOMTUK,		MAUWETHEW,
WOWEARTHA,		SENER,
MESGINABIATHE,		WESCOPEPETHER,
WOWEAHOMER,		RELARCOWAH,
KUSSHENTHER,		BOCKOMER,
PARQUATHER,		OBOYTHEGUA,
KISSHECOTTELER,		OKESHOT,
MESHCOPE COPPA,		WETHIOCKOME,
CUTTERCOWGITER,		MORCOTAWASSE,
MORCOTTAWA THUMER,		GEORGE MIRANDA,
QUACATHER,		WOCONUCKSHANER,
OPEIMASHAWA,		NESHEWQUARTS,
MASHARCOWTHETER,		OPEMATQUAMENNA,
WOWECOMER,		PETER CHIRTIER,
SHEUWE COPPA,		NESHEW COPPA,
VENGAEOWAH,		LAYWESHEMN,
CAPANETHER,		MUSSUSKETHER,
PENQUAR,		COWESSHE COR,

* See Colonial Records, Vol. IV. p. 280—and reply to it, 281.

THAGQUAPE,
 SHARQUA,
 PORTHETA,
 POMWAYCLE,
 OPETHUMER JUN'R.
 MIONE MACATHE,
 AUGNALLA,
 OSAPWAH,
 KANESTHER,
 MOLLOSSHE,
 OPEPEPTO,
 TUSSEMUTHER, JUN'R.,
 OPOCKENER,
 RISCAMONETTA,
 WELETENNA,
 SOPERLAWA,
 TUSSEMUTHER, SEN'R,
 WATHOCKEETHOCKER,
 TATTERWARKE,
 MENEWALLICO,
 NUKELUTHER,
 THAMER,
 MESSIPISSE,
 SAYSOGANAWAH,
 MORICOTTAWAY COTTA,
 MORCATTETHWAH,
 KISEOR QUVANER,
 TAPETOCHCOR,
 OTHETATHER,
Indorsed.

MAGOJAQUA,
 TATABOCKSHECOR,
 QUETIBETHER,
 WELL THUMER,
 MAHE LINNE,
 MESQUANETHE,
 MIONE WISKELUTHES,
 MEDPACON,
 MAKENNICKER,
 WEQUASHENER,
 IALLUTER,
 TECOME,
 KEBUSKHO,
 WEORTUNUTHER,
 TOBOSTHA,
 KEMATS COMEN,
 PEMECHE COPPA,
 MANEWOLLICO, JUN'R,
 CULLUPPENER,
 NAGMACOME,
 INCKEQUA,
 CHE COLLEWAY,
 PESER,
 OPEMOGO,
 MOCOWGEMAH,
 POTHE TOCKHONE,
 MISSHE MONTHÉ,
 PEPOSE,
 BOCKETER MINGO.

The Sheynars Council, March 15th, 1737-8.

Resolution of the Allegheney Indians to spill all Rum brot amongst them, Read in Co^l, May 15th, 1738.

INDIANS AT ALLEGHENY TO GOV., 1738.

Alegania, March 20th, 1737-8.

Tho. Pen & James Logan,
 Brothers,

We Received your Letter, w^h a horse Load of Powder, Lead & Tobacco, by our Friend Geo. Miranda, and we are very Glad to here that our Brothers have such a good regard for us, and that we Live

*"Read in Council May 15th." Indorsement, it does not appear on Col. Rec. of that date.


in the same Love and Friendship as our Fathers and yor Good Father W^m Pen did before us.

We have a Good Correspondance wth the French, the five Nations, Ottawas, and all the French Indⁿ, and we are Glad that we here of know misundersanin from any of them.

The Trackt of Land you have Resarved for us does nott sute us at Present, and we would not have you take itt amiss that we don't come and settle upon, for the Loss of our two Brothers which Died in Philad^a is still in our Mindes, we should when we see the English Settlements we should be sorry.

We don't Desire two goe any Futher Distance from our Brethren than we are, butt Gether two Gather and make a strong Towne, and keep our Young men at home from goeing to Worse, for a whole Year, According two your Desire, there is some of our Yonge men gon two Worse two a Nation that Lives at a Disstance from them that you Mentions Inclines two make peace.

You must not Expect any of us downe at Philad^a this Spring for we are ill Provided as yett, butt next Spring we think to goe and see our Brothers and warme or selves att the Fier kept for us their.

After we heard your Letter Rede and all our people being Gathered together, we held a Council together to Leve of Drinking of Rum for the Space of four years, and we all in Janeral agreed two itt, takeing it into Consideration the ill Consequances that attend itt and what Disturbance itt makes, and that two of our Brothers, the Mingoos, lost their lives in our Towns by Rum, and that we would Live in Peese and Quiettness and become another People. Their was nott many of our Traders att home att the Time of our Council butt our Friends Peter Chirtier and Geo. Miranda, butt the Proposil of Stopping the Rum and all strong Lickquars was made two the Rest in the winter, and they where all willing. As sone as itt was Concluded of, all the Rum that was in the Towns was all Staved and Spilt, Belonging Both two Indⁿ and white People, w^{ch} in Quantity Consisted in ab^t 40 Gal., that was Throwne in the streete, and we have Oppointed four men two Stave all the Rum or strong Lickquars that is Brought two the Towns hereafter, Ither  Indⁿ or white man Dureing the four Years, and we would be glad if our Brothers wholde send Strick orders that we might Prevent the Rum Comeing two the Hunting Cabins or two the Nabering Towns. We have sent Wampum to the French, to the five Nations, to the Delawars, and the Sheyners, that Live on Suscorhanner, to tell them nott to bring any Rum here to our Townes, for we whant non and that we would stave itt, so we would be glad if our Brothers would informe the Traders nott for two Bring any for we are sorry after they have Brought it a Great way for them two have itt Broke, and when their once worned they will take care.

Coracolenne, one of our Chefes, is goeing to the Ottawas two Informe them of the Good nuse we have hereed from our Brothers, the English, they owne us as their Elder Brother and we will Endeavour

two encourage them two come this way to Trade, for they are a Great Nation and their Trade will be valuable. In Closed is a Coppe of our Agreement and all our People and Traders Names, we have no more at Present to Relate, but would be glad two here from our Brothers by all Opportunitys, so Remaine,

Yo^r True Friends & Brothers,

LOYPARCOWAH, Opehassah's Son,
NEWCHECONER, Debbity King,
COYCACOLENNE, Chefe Counciler.

Indorsed.

Answer of the Allegeney Indians to the Message sent them from the Councils.

Read in Council May 15, 1738.

Directed.

To our Friends & Brothers,
Thomas Pen & James Logan,
in Philadelphia.

To the care of The Kitem.

INDIANS ON ALLENHENY TO JAMES LOGAN, 1738.

Allegania, April ye 9th, 1738.

Our Friend & Brother, Ja^s Logan,

S^r,

We should be very sorry if there should be any Misunderstanding With our brothers, that three Days since there Went by Our Towns three Indians, coming from Wars of the Nation called Maychepese, Living near the French, had with them three Christian Scalps, We Examined them & all the people of our Town, Dellawar's & Traders, & by all similitude we suppose them to be Christian Scalps. We are sensible that the time Would nott p'mitt them to go to the Southward & Back again from the time that they Went past our Towns; so that we are of Opinion that they are some of our brothers that lived about the borders of Virginia, and to prevent any Suspicion that our brothers should Mollest either of us or the Dellawars or any of our Nabouring Indⁿ, We thought it propper to Acquaint you by the first opportunity who they were that kill'd our Brothers, When Inquiry is Made it will prevent Enmity Between us & our Brothers. So remain,

Y^r Friend & Brother,

NEWCHECONNER, King.

* See Col. Rec. Vol. IV. p. 234. Neither Logan's letter nor this appears on the minutes.

Indorsed.

Letter from Newcheconner, Chief of the Shawanese, at Allegeney, about some of the Maychepese Indians having three Christian Scalps as they passed by Allegeney.

Read in Council May 15th, 1738.

Directed.

To Our Brother, James Logan,
Liveing in
Philadelphia.

DEPOSITIONS RESPECTING RIOTS ON SCHUYLKILL, 1738.

William Richards, Constable of the Township of Amity, in the County of Philadelphia, in the Province of Pennsylvania, makes oath, That on the twentieth day of this Instant, April, he received a Warrant from George Boon, Esqr, one of his Majestie's Justices of the Peace of the said County, requiring him, this Deponent, to take to his Assistance such persons as this Deponent should think proper, & go down the River Schuylkill & remove all such Obstructions as should be found in the said River, in obedience to which Warrant this Deponent took several persons, Inhabitants of the s'd County, as his Assistants, & together with one Robert Smith, Constable of the Township of Ouly, who had received a Warrant to the same purpose, went down the s'd River in three Canoes, to Mingo Creek, where they found a Large Number of Racks & Obstructions* in the s'd River, & saw four Men upon an Island near the s'd Racks, that this Deponent & Company removed the said Racks without receiving any Opposition, from thence they proceeded down the River to the Mouth of Pickering's Creek, near which they found several Racks which Reachd Across the s'd River to an Island, Which Racks this Depon^t & Company also removed, that immediately after the s'd Racks were removed, about the Number of two hundred Men came down on both sides of the s'd River, & were very Rude & Abusive & threatened this Depon^t & his Company, that the s'd Depon^t expecting from the ill Language & threats given that some Mischief or a Quarrell wou'd Ensue, he took his Staff in his hand & his Warrant & Comanded the s'd Men in the King's Name to keep the Peace, & told them that he came there in a peaceable Manner & according to Law to Move the Racks & Obstructions in the River, upon Which some of the s'd Men Damn'd the Laws & the Law makers, & Cursed this Deponent & his Assistants, That one James Starr knockt this Deponent down in the River with a large Clubb or Stake, after which several of the said Men Attackt this Deponent & Company with large Clubbs, & Knockt down the s'd Robert Smith, the Constable, as also several of this Deponent's Assistants, that one John Wain-

* See page 315.

wright, in Company with this Deponent, was Struck down with a Pole or Staff, & lay as Dead with his Body on the Shoar & his feet in the River, That this Depon^t & Company finding that they were not able to make Resistance, were Obliged to make their best of their Way in order to save their Lives, after which this Deponent, together with the Constable of Ouly & some of their Company, proceeded down the River, in order to go to Philadelphia to make Complaint of the ill Usage they had received, that as they came near Parkyooman Creek they found another sett of Racks, Which were guarded by a great Number of Men, that this Depon^t & Company Requested the s'd Men to let them go down the River, & if they wou'd Suffer them to pass that they wou'd not Meddle with their Racks, Upon Which the s'd Men abus'd & cursed this Depon^t in a very Gross Manner, telling the s'd Deponent & his Company that they shou'd not pass by them, That one of the s'd Men called out aloud & offered five Pounds for Timothy Miller's head, the s'd Timothy being one of the Depon^{ts} Assistants, & another of the s'd Men called out to the s'd Timothy to make haste away, And afterward the s'd Men pursued this Depon^t & Comp^y, Who for fear of being Murthered made the best of their way with their Canoes to the Mouth of Parkyooman Creek, & there went ashore & left their Canoes there with several Cloaths, Which Canoes are since Split in Pieces (as Reported) & several of the Cloaths turn'd adrift on the s'd River.

The ✕ mark of
WILLIAM RICHARDS.

Sworn the 27th day of April, 1738,

Before me,

RA. ASSHETON.

Benjamin Milliard, of the County of Chester, in the Province of Pensilvania, Yeoman, upon his Solemn Affirmation, according to Law, declares & Affirms, That at the request of William Richards, Constable of Amity, he, this Affirmant, went down the river Schuylkill with the s'd William Richards & several other Persons, to move the Racks & Obstructions in the s'd River, & that What the s'd William Richards in the foregoing deposition hath deposed, both in Relation to the removal of the s'd Racks & Obstructions, as the several facts Comitted by the persons who Abused the Constable & his Assistants, are in all things true.

BENJAMIN MILLARD.

Affirmed the 27th day of April, A^o 1738,

Before me,

RA. ASSHETON.

Indorsed.

Affidavits of William Richards & Benjamin Millard, about a Riot on Schuylkill on removing the Racks there. Ap. 1738.

* See Colon. Records, Vol. IV. p. 284.

DEPOSITIONS ON MARYLAND OUTRAGES, 1738.

Conrade Keller, of the Town and County of Lancaster, in the Province of Pennsylvania, Carpenter, came this day before me, John Wright, Esquire, One of the Justices of the said County, and upon his legal Qualification, declared that about the middle of March last, he lost a Black Horse, marked with a Slit in one of his Ears, and after some time upon Enquiry, was informed that John Charlton, of the same County, had taken up the said Horse, upon which he, the said Conrade, went to the said John Charlton to demand his Horse, And finding his Horse in the possession of the said John Charlton, he demanded the Horse to be delivered to him, which the said Charlton refused, and with the Handle of an old Broom, beat and wounded him so that he is at present unable to work for his Living, and likewise beat one Michael Wallock, who went with the said Conrade to shew him the Way, and pursued him with his Gun, Bayonet, and Halbert, in order to do further mischief, as the said Conrade verily believes. That he absolutely refused to deliver the Horse unless the said Conrade would pay him the full Value of him, or so much as the said Charlton would please to insist upon. And that the said Charlton was attended by Three Men armed with Guns and other arms. And that the said Conrade was obliged to leave the said Horse in the possession of the said Charlton, and further saith not.

Taken before me,

this 30th June, 1738,

JNO. WRIGHT.

Lancaster County, ss.

Joseph Evans, of the Township of Hallam, in the County of Lancaster and Province of Pennsylvania, aged about thirty two years, (being one of the People called Quakers) upon his solemn Affirmation, declares That, on the Twenty Eighth Day of this Instant, he was reaping Rye at the House of one Adam Dickenson, in the Neighbourhood of the place where Thomas Cresap now dwells, And as this Affirmant was going from his Work into the House to Dinner, Thomas Cressap and John Charlton met him with large Clubs in their hands, and without any Provocation given on the Part of this Affirmant, Thomas Cressap struck this Affirmant two severe Strokes on the Head with his Club. And then John Charlton and James Berrisford seized and held the Hands of this Affirmant, whilst said Cressap beat him in the face with his Fists until this Affirmant was very much wounded and hurt. And said Berrisford and Charlton gave this Affirmant several Kicks with their Feet. And this Affirmant further saith, that he has good Cause to believe the said Thomas Cressap and John Charlton came to the House of the said Adam Dickenson with intent to abuse this Affirmant, And further says not.

JOSEPH EVANS.

Which Affirmation aforesaid was taken at Hempfield, in the County aforesaid, before Samuel Blunston, Esquire, one of his Majesty's Justices of the Peace of the said County, this Twenty Ninth Day of June, in the year of our Lord One Thousand Seven Hundred and Thirty Eight.

Indorsed—Copy.

Affidavit of Joseph Evans,

“ of Conrade Keller.

Conc^s Violences committed by Charlton, Cressap, & al.

COMMISSIONERS ON BOUNDARY LINE TO GOV. THOMAS,* 1739.

Honourd Sir,

I take this Opportunity, by Coll. Gale, to inform your Honour, that we have met with abundance of Attractions in running the Line so many as to make it a doubt whether the Attractions are not stronger in the Spring than in the Fall of the Year; sometimes the Needle will be five degrees to the Southward, & sometimes as much to the Northward within a Station or two, that is to say, in other Terms, the Variation will be ten degrees Westerly at one time, & in an hour or two after that, the variation will be half a degree Easterly, or perhaps no variation at all. We are got as far as one Widow Parnell's, in Edgmont Township, about 16 miles West from Philadelphia, & in this distance we have cross^d the former Lines that have been run several times; but never since we came from Sam. Leviss, & now we are something to the South of the Line run by John Taylor, and more to the South of the Line run by the Jersey Commissioners, & if Ben. Eastburn says truly, we shall gain still more & more upon the last Line, so as to come very near Elisha Gatchel's Plantation. The Surveyors go on amicably yet, but Coll. Gale is much disturbed to find the Line prove so as it does, & as he is disappointed by John Lad, he comes to Town to procure another Surveyor. We have not yet settled our Journal, so that I cannot speak in other than general Terms; but, upon the whole, Ben. Eastburn behaves with so much skill and Prudence, that I am in great hopes this Line will be abundantly to your Satisfaction, and the Proprietaries. I will write the particulars of the Line from Nottingham. Yesterday an Express arrived from Governor Ogle to Mr. Gale, with no other Intent (Mr. Gale says) than to acquaint him that there is no Ship arrived in Annapolis from London, so that the Governor having received no Instructions from my Lord Baltimore, with respect to this Line, Mr. Gale may proceed as he shall think proper. We are under some apprehensions from the Indians, from a Story of a Murder committed at Shanondoah, of which James Steel can inform your Honour; but at all events, I submit it to the Prop^r and yourself, whether we should not be furnished with an Exemplification under the

* He arrived June 1, 1738. See Col. Rec. Vol. IV. p. 288.

great Seal, of the purchase Deeds of the Lands beyond Susquehannah, from the Indians.

Be pleased to communicate the contentt to the Proprietor.

I am,

Your Honour's

Edgmont,

Most obedient Servant,

18th Apr., 1739.

RICHARD PETERS.*

Be pleased to communicate ye contents to the Proprietor.

Indorsed—From Richard Peters to the Governor of Pennsylvania, 18th April, 1739.

COMM'RS. ON BOUNDARY LINE TO GOV. THOMAS, 1739.

Honoured Sir :

My last to your Honour, by Col^l Gale, was wrote in great haste, not knowing of his Intention to return to Philadelphia till he was ready to set out, which made me suspect that tho' he said he went only to get another Surveyer in the room of John Lad, yet that something in his dispatches by the Messenger from Annapolis might be the true reason of his Journey, but I have no reason to be of that Opinion now, because he has returned with the very same dispositions as before.

He has been extremely uneasy on Account of the Lines continuing to gain on them, & it being apprehended that the Needle in Mr. Eastburn's Theodolite might have been altered by some Accident in its direction. We this morning compared their Theodolite and their two Needles with Ours, as we had done before on Society Hill, and the Variation in all the three Needles agreed most exactly with what it was then & now. Col^l Gale expresses himself to be satisfied and imputes (as I verily believe the case really is) the Difference between this Line and the Jersey Line to arise from one or both of these two Causes; that is, either that the Jersey Commissioners were got into an Attraction that carried them to the North without their discovering it, or that they were not careful to fix the Index by which the Variation is regulated rightly.

Before the Conclusion of the Experiment this morning, I was under great Apprehensions of our differing, for if the Event had not proved as it does, I should have imputed it to a change in their Instrument, & they to a change in Ours; at present we have come to a Conclusion that hitherto the Line is run justly & fairly, & have made a minute for that purpose, and to prevent all Suspicion for the future, their Instrument (not in use because not found to be so good an one for working with) and its two needles are put into a Box & sealed with Mr. Gale's Seal & mine, And Mr. Eastburn's Instrument is, as soon as the Surveyors have done every night, to be

* See Col. Records, vol. iv., p. 313, 329.

put into the Custody of the Commissioners & delivered by them the next morning to the Surveyors. All our people behave well in their respective Offices, & I must do Mr. Eastburn the Justice to say he shows great care, & a much superior skill, to any of them. Rumsey is a jealous, uneasy creature, merely because the Line does not run as he would have it. John Lad's presence, as he is an indifferent man, will conduce much to the dispatch & ease of the work, & the more so because it is an Instruction to Mr. Gale, from his Governour, to get a Jersey Surveyor.

I am

Your Honour's

Most obedient humble Servant,

RICH'D PETERS.

Thornbury, JAMES GIBBONS'S.

20th Apr. 1739.

COMM'RS. ON BOUNDARY LINE TO GOV'R., APRIL 23, 1739.

Honoured Sir :

We have proceeded with the utmost fairness and Impartiality, even in the Opinion of Col^l Gale, to the place where the Line is to be set off to the South, in order to measure the fifteen miles & a Quarter, which is at the distance of about thirty-one miles from the place of Beginning, And are now involved in a dispute, which we humbly submit to your Honour for advice in.

Col^l Gale says that he moved it to the Governour of Maryland, in Council, whether the fifteen Miles and a Quarter were to be measured superficially, or with an allowance for the Altitudes of the Hills on an apprehension, as we suppose that the difference would be very considerable, and the Council fearing least their Lord's Interest shoul^d be prejudiced, gave their Opinion for superficial measure but concluded that his Lordship should be wrote to, and Col^l Ogle wrote to his L^d'p accordingly in December, & expected his L^d'p's Answer before this time, but that Answer not coming, Col^l Gale's Instructions are to insist on Superficial measure without making any allowance for the Altitudes of Hills, & if we will consent to that he is willing to join with us, but if we will not, then his orders are to run either Line ex parte.

Now your Honour may depend upon this, that Mr. Eastburn, who calculated the Altitudes of the Hills that are in the 15 miles and a quarter, last December, along with the Jersey Commissioners, does assure us, that he has very carefully looked over those Accounts & on the nicest Examination does say that the Difference between Horizontal & Superficial measure will not be more than twenty-five perches at most, to the prejudice of this Province, and if so, we

submit it to your Honours whether we should break with the Maryland Commissioners for this difference especially, as the Line now running is Eighty Perches at this place to the South of the Jersey Line, and there is no reason to doubt but it will still tend to the South in proportion as it has done already, so as to save some part, at least, of the good people of Nottingham.

Be pleased to Give us Your Honour's directions whether we must join with the Maryland Commissioners in running the Line Superficially, that is to say, without allowing for the Altitudes of the Hills, & so make them an absolute present of twenty-five perches, or proceed exparte, & how far over Susquehannah, or return to Philadelphia & do no more at present. We have countersigned our Journals every night whereby it will appear y^t we have been exact and careful. We send this unknown to the Marylanders, and are

Your Honour's

Most obedient Servants,

LAWRENCE GROWDON,
RICHARD PETERS.

in an open field in
West Bradford.

23^d Apr., 1739.

COMMISSIONERS ON BOUNDARY LINE, APRIL 25, 1739.

Honoured Sir :

We are exceedingly obliged to your Honour for your kind and full letter, and we humbly hope we can make it plainly appear that in the Course of our Conduct, from the Beginning to this time, we have shown no manner of Complaisance to the Commissioners for Maryland, well knowing that it was a matter of Right with which we are entrusted, & not only so, but we have had many reasons for being extremely jealous of every step they have taken. Col^l Gale in his private Capacity we believe to be a fair and ingenuous man, but as a Commissioner we take him to be under Instructions, which we have for some time apprehended to be inconsistent, with a disposition to run a fair Line in conjunction with us, and we have reason to think that it would be agreeable to him to find out some matter whereon to break with us, in order to run an Exparte line, which we have disappointed him in & I hope shall do if, we contest Inch for Inch to the utmost Extent of the Line. We think your Honour cannot doubt of this, their disposition by the light in which you see this last most unreasonable objection of their's about measuring the 15^m & $\frac{1}{4}$ on the surface without allowance for the Altitude of Hills, but we made such a resistance to it & shewd by so many Arguments the Injustice & Chicanery of the thing itselfe, and the un-

fairness of keeping an objection under their Thumbs till the very time when we were come to setting off the South Line, when they might and ought to have told us of it at Philadelphia that Mr. Gale was quite at a Non Plus, & well he might, because for him to produce a Commission under the Great Seal, setting forth, "that whereas Levin Gale & Samuel Chamberlaine had already, by virtue of their Appointment and in execution of the Trust in them reposed, entered into some Terms or Agreement for the running, settling and ascertaining the Temporary Limits with the Persons appointed by the Governour of Pennsylvania for that purpose, they the said Levin Gale & Samuel Chamberlaine were authorised and empowered to proceed to the running of any Line or Lines by them already begun, &c." Now for Mr. Gale to produce such a Commission, & when he was in the Execution of it, to tell us that he had Instructions to run the Line exparte in case we would not consent to a most trifling and unreasonable objection, would make him appear to all mankind to be as great a Tool as others have been to Mr. Ogle, who would not be deemed by such inconsistent Orders to have had a good disposition for running a fair Line in the Eyes of every impartial man. I told Mr. Gale further, that the Moment they should proceed without us they would, notwithstanding any Instructions from their Governour, be deemed Trespassers in this Government, & would not answer the Consequences of their running a Line by themselves, thro' the Plantations of a set of angry men. Whether for this reason or that, Mr. Gale was afraid of his own Character in dealing so disingenuously with us, by the concealment of his Objection, they have conceded to allow us Twenty-five Perches, which is the full difference between a Superficial & Horizontal Line in the Grounds we are to run the Line in. We don't believe they know that this is the full difference, tho' it is, if not five Perches more, and We humbly desire your Honour would keep it private that this is the difference, least they should come to the knowledge of it. We have caused Ben. Eastburn to calculate the Difference over & over for fear of mistakes, it appearing to us to be so small, & he does assure us that he cannot make it amount to more than twenty Perches.

All this was transacted, and a minute agreed on before your Honour's Letter came to hand, tho' the Messenger made a quick dispatch & brought it us last night, but inasmuch as they had conceded the whole matter in difference betwixt us, & y^t we cou'd see no ill Consequences from the Minute as it is drawn up, we ventured to join with them in it & hope we shall have your Honour's Approbation. If we had broke off, your Honour might have depended on a full Protest to save the rights of the Proprietaries for which to the utmost of our power (I speak for Surveyors as wel as our Selves) we are really and zealously concerned. At present we go on amicably in running the Line. Ben Eastburn is the other Chain Carrier; Samuel Lightfoot directs the South Course; Mr. Growdon

is set to watch Rumsey, their Chain Carrier, And Mr. Gale and myselfe keep two Tallys to reckon up the number of Chains. We think we may venture to say that we have brought the Commissioners for Maryland into such a Temper and Such Concessions that they cannot break from us without a manifest disadvantage to their own Character and My Lord Baltimore's Interest.

We are

Your Honour's

Most obedient Servants,

LAWRENCE GROWDON,
RICHARD PETERS.

At W^m Webb's.

25 Apr. 1739.

We have inclosed a Copy of our Minute.

DEPOSITION OF SAMUEL CARTWRIGHT, 1739.

New Castle County, ss.

† The Deposition of Samuel Cartwright, of Appoq^{ck} Hundred & County afs^d, carpenter, aged about or near forty-one years, being solemnly sworn on the Holy Evangils of Almighty God, Deposeth & sayeth:

That for above twenty-four Years past, he has lived chiefly on a tract of Land in Appoq^{ck} Hundred & county afs^d, adjoining a tract of land, whereon Thomas Rothwell, jun^r, & Garret Rothwell now dwell, & that he is well acquainted with the bounds & lines of the s^d tract laying in a Fork of the main Branch of Appoq^{ck} Creek, & co[']ty afs^d, supposed to contain between Five & Six hundred Acres of Land, w^h he, this Depon^t understood to be first taken up under William Penn, Esq., Dec^{'d} by one Francis Cook, & by the s^d Cook sold to one John Cowgill, & by the s^d Cowgill sold to Thomas Rothwell afs^d, the father; and this Depon^t further sayeth that he well knows the s^d land to be settled & possessed by the s^d Thomas Rothwell, near or about twenty-four years ago, & after him by one John Danielly, a tenant to the s^d Thomas Rothwell, Thomas Sharp, and Mr. James Steel, of Philad^a, & was since possessed by one Joseph Bacon, tenant to the afs^d James Steel, & since further settled & improved by the afs^d Thomas Rothwell, jun^r, & Garret Rothwell.

And this Depon^t further sayeth, that he well knew the p[']sons in possession of the afs^d Land, where taken and reputed inhabitants of the said county of New Castle afs^d, & to Execute & p[']form all Duties & services required of them as inhabitants of the s^d co[']ty of New Castle. And this Depon^t further sayeth, that he well knows about two years ago & since, the afs^d tract of Land, or part thereof, was entered on by one Mathew Dunahoe, James Carter, Augustine

Noland & James Poor, pretending to be tenants to Mr. James Paul Heath, of Cecil co'ty, in the Province of Maryland, and at this time dwell on the s^d Land, (Except Ja^s Carter,) & have made three settlements or plantations within the bounds of the afs^d tract of Land, & now cultivate the same; and who severally, at this time, repute themselves inhabitants of Cecil co'ty & Province of Maryland afs^d.

And this Depon^t further sayeth, that he hath at no time before known any p'son to dwell on the afs^d Land, & be possessed thereof, under the Govern^t of Maryland, Except the before mentioned p'son, & further this Depon^t sayeth not.

SAM'LL CARTWRIGHT.

New Castle County, ss.

The above Deposition taken & sworn to before me, one of his Maj^{ties} Justices of the Peace for the afs^d county, this 28th day of April, in the 12th Year of the Reign of King George the Second, Ano. Dom. 1739. Witness my hand and seal.

[L. S.]

THO. NOXON.

Indorsed.

Sam^t Cartwright's Deposition, 28 April, 1739.

DEPOSITION OF SAPPEN HARRISON, 1739.

New Castle-County, ss.

The Deposition of Sappen Harrison, of Appoq^k Hundred, and county afs^d, aged about 59 years, being solemnly sworn on ye Holy Evangils of Almighty God, Deposeth & sayeth:

That above twenty-six years agoe, he was present with George Dakeyne, Surveyor of New Castle county, at the time when the said George Dakeyne Resurveyed a tract of Land lying in the fork of ye Main Branch of Appoq^k Creek, in the county afs^d, & was Resurveyed as part of the Land laying in ye said county of New Castle, containing between five & six hundred acres of Land, on which Thomas Rothwell, jun^r, & Garret Rothwell, sons of Thomas Rothwell, of the said place now dwell.

And this Depon^t further sayeth, that he understood the afs^d tract of Land was first taken up under W^m. Penn, Esq^r., Dec^d by one Francis Cook, & by him sold to one John Cowgill, & by the said Cowgill sold to Thomas Rothwell afs^d, the father. And this Depon^t further sayeth, that he well knows the said Land to be settled & possessed by the said Thomas Rothwell, and after him by one John Danielly, a tenant to the said Tho^s Rothwell, Thomas Sharp and James Steel, & since possessed by one Joseph Buxon as tenant to James Steel afs^d of Philad^a, & since further settled and improved by Thomas Rothwell, jun^r. & Garret Rothwell afs^d. And this Depon^t further sayeth, that he knows the Bounds of the said tract of Land, & that the per-

sons afs^d, mentioned in Possession thereof, where to his certain knowledge Reputed to be inhabitants of y^e county of New Castle, & did Execute & perform all Duties required of them as inhabitants thereof. And this Depon^t further sayeth, that he well knows that about two years ago and since, the afs^d tract of Land, or part thereof, was entered on by one Mathew Donahoe, James Carter, Augustine Noland, & James Poor pretending to be tenants to Mr. Hones Paul Heath, of Cecil county, in ye Province of Maryland, and at this time lives on ye said Land (Except James Carter,) & have made three settlements thereon, & cultivate the same, and who severally at this time, repute themselves inhabitants of Cecil county in Maryland afs^d, and hath at no time before known any person live on ye said land under the Government of Maryland, except the above named persons, & further this Depon^t sayeth not.

his
SAPIENCE ✕ HARRIS.
mark.

New Castle County, ss.

The above Deposition taken & sworn to before me, one of his Maj^{sties}, Justices of the Peace, for the afs^d county, this 28th day of April, in the 12th Year of the Reign of King George the Second, An^o. Dom. 1739. Witness my Hand & Seal.

[L. s.] THO. NOXON.

Indorsed.

Sapience Harris's Deposition, 28th April, 1739.

New Castle County, ss.

THE DEPOSITION OF WILLIAM WILLIAMS, of Appoq^k Hundred & County of New Castle, af^a, Yeom., aged about Thirty One Years, of good Faith & worthy of Credit, being Solemnly Sworn on the Holy Evangils of Almighty God, Deposeth and Sayeth.

That he, this Depon^t, since his Birth and Childhood, has lived within one mile & a half of a Tract of Land laying within the Fork of the Main Branch of Appoquina^k Creek, in the County of New Castle af^a, whereon Thomas Rothwell, jun^r., and Garret Rothwell now Dwells, s^d to Contain about five or Six hundred Acres. And that he, this said Depon^t, well remembers about twenty three or twenty four Years ago, a Certain Thomas Rothwell, father to the af^a Thomas Rothwell, jun^r., and Garret Rothwell, settled & Dwelt on the s^d Land, & after the s^d Rothwell left dwelling on the s^d Land, One John Danielly lived several Yéars on the s^d Land as Tenant to Mr. James Steel of Philad^a, & others as this Depon^t understood. And after removal of the s^d John Danielly, one Joseph Buxon enter'd & dwelt on the s^d Tract of Land as Tenant to the af^d James Steel, for

the space of about two Years. And after the s^d Jos. Buxon removed off of the s^d Land, the af^d Thomas Rothwell, jr, & Garret Rothwell, enter'd and Dwelt on the af^d Land, & so have Continued to this Day, & have been at great Charge and Expence in improving & settling the same.——And this Depon^t further Sayeth, that he well knows, about two Years ago & since, part of the s^d Land has been enter'd on by one Mathew Dunahoe, James Carter, Augustine Noland, & James Poor, pretending to be Tenants to one Mr. James Paul Heath, of Cecil County, and Province of Maryland, & at this time Dwell thereon (Except James Carter) who have made Three Setlem^{ts} or Plantations within the Bounds of the af^d Tract of Land, & at this time Cultivate the same, And who Severally repute themselves inhabitants of Cecil County in Maryland af^d.

And this Depon^t further sayeth, that he hath at no time heretofore known any Person or Persons live on the s^d Land as inhabitants under Maryland, Except the Persons herein before mentioned, & further this Depon^t Sayeth Not.

WM. WILLIAMS.

New Castle County, ss.

The above Deposition taken & Sworn to Before me, one of his Maj^{ties} Justices of the Peace for the af^d County, this 28th day of April, in the 12th year of the Reign of King George the Second, An. Dom. 1739. Witness my Hand and Seal.

THO. NOXON.

Indorsed—W^m. W^m's. Deposition, 28 April, 1739.

DEPOSITION OF THOMAS ROTHWELL, 1739.

New Castle County, ss.

THE DEPOSITION OF THOMAS ROTHWELL, of Appoq^k Hundred & County af^d, Yeom., aged about Fifty Six Years, of good faith & worthy of Credit, being Solemnly Sworn on the Holy Evangils of Almighty God, Deposeth and Sayeth.

That in the Year of Our Lord 1713, he, this Depon^t, bought a Tract of Land, Computed to be in Quantity 595 Acres, of a certain John Cowgill, Dec'd, Lying in the Fork of the main Branch of Appoquinamink Creek, in Appoq^k Hundred and County af^d, & s^d land was then unimproved, and appeared to this Depon^t to be taken up under William Penn, Esq., Dec'd.

And this Depon^t further sayeth, that he settled & improved the s^d Tract of Land, & lived on the same about the space of two Years, & paid his Levy to the Collect^{rs} of the Levys for the af^d hundred & County, & served in the office of Constable, and did the Dutys of a Juryman for the s^d Co^{ty} of New Castle, during the time he dwelt on th s^{ca} Land.

And this Depont further Sayeth, that after he removed off of the said Land, he settled a certain John Danielly, of the af^d Co^{ty}, on the af^d Tract of Land, as his Tenant, for certain Yearly Rents by this Depont, received According to Agreement for the Term of two or three Years, And then he, this Depont, sold the af^d Tract of Land to Thomas Sharp, of Kent County on Dela. dec'd, And the s^d Thomas Sharp some time after sold the s^d Land to Mr. James Steel of Philad^a, to whom this Depont Executed a Deed for the s^d Land, pursuant to the s^d Thomas Sharp's Agreem^t with the af^d James Steel.

And this Depont further Sayeth, that about Three Years ago, the af^d James Steel sold the above mentioned Tract of 595 Acres of Land to this Depont's two sons, Thomas Rothwell, Jun., and Garret Rothwell, the present possessors of part of the s^d Land, who have, at a Considerable Expence, further settled and improved the same.

And this Depont further Sayeth, that he well knows since he Dwelt on the af^d Land, the same Continued in Possession of John Danielly af^d, Tenant thereon, under himself, Thomas Sharp, & James Steel af^d, for about thirteen or fourteen Years, & after him in Possession of one Joseph Buxon, a Tenant to James Steel af^d, for near or about two Years, and imediately after was enter'd on by his af^d two sons as Tenants & Grantees of James Steel af^d, And so have Continued in possession of the s^d Land, or part thereof, to this day, all who Severally before mentioned have Continued Inhabitants of the County of New Castle af^d, & have paid their Several Taxes, & done the Dutys of them required as inhabitants thereof.

And this Depont further Sayeth, that about Two Years ago a Certain Mathew Dunahoe, Settled on the af^d Land as a Tenant, under Mr. James Paul Heath of Cecil County, in the Province of Maryland, & built a House near the line of the s^d Land, & since Built a Barn within the af^d Tract of 595 Acres of Land, & has Clear'd & Till'd about ten Acres thereof, within the known lines of the s^d Tract, Notwithstanding he has been often required to forbear entering within the s^d Tract of Land.——And about the s^d time a Certain James Carter, also pretending to be a Tenant to the af^d James Heath, enter'd on the af^d Tract of Land, (tho' often required to forbear) & built a House about 200 Yards within the line, & cleared some of the s^d Land, & after left it w^h s^d small Setlem^t, was enter'd on about Four Months ago by one James Poor, with some Negroes of the af^d James Heath, who have since inclosed about Twenty Acres of the af^d Tract of Land in fence, & are at this time Clearing and improving the same.——And that about Sixteen Months ago, a Certain Augustine Noland (likewise pretending to be a Tenant to the af^d James Heath) enter'd on the af^d Tract of Land, & at this time dwells in a House Built thereon by the s^d James Heath, & since the s^d Noland's entering thereon, he hath inclosed within fence about Twenty or Twenty five Acres of Land on the s^d Tract, & is now Clearing & Cultivating the s^d Land, & Destroying the Timber thereon.

And this Depon^t further Sayeth, that he has not at any time heretofore known any Person or Persons Dwell on the s^d Land, who have Acknowledged themselves inhabitants of the Province of Maryland, Excepting the Persons afⁱ, who have enter'd on the s^d Land within about two Years past & since, as herein before mentioned. And further this Depon^t Sayeth not.

T. ROTHWELL.

New Castle County, ss.

[L. s.] Sworn before me, one of his Majestie's Justices of the Peace for the afⁱ Co^{ty}, this 28th day of April, in the 12th year of the Reign of King George the Second, An. Dom. 1739. Witness my Hand and Seal.


THO. NOXON.

New Castle County, ss.

THE DEPOSITION OF JOHN DANIELLY, of Appoq^k Hundred & County afⁱ, Yeom., aged about Forty five Years, being Solemnly Sworn on the Holy Evangils of Almighty God, Deposeth and Sayeth.

That he enter'd on a Tract of five Hundred and ninety five Acres of Land, lying in the Fork of the main Branch of Appoquinaminc Creek, in Appoquina^k Hundred & Co^{ty} afⁱ, as a Tenant under Thomas Rothwell, of the s^d place, about Twenty four Years ago, & Continued a Tenant on the s^d Land under the afⁱ Thomas Rothwell, one Thomas Sharp, and Mr. James Steel of Philadelphia, mentioned in the Annexed Deposition, for the space of about fourteen Years, & that during the s^d Term, he, this Depon^t, paid his Levys, & did all other Dutys of him required, as an inhabitant of the County of New Castle afⁱ.

And this Depon^t further Sayeth, that he well knows & believes the several Matters & things set forth in the Annexed Deposition, given by Thomas Rothwell from the time of this Depon^t's entering on the afⁱ Land, to be just & true, Save that part relating to the s^d Thomas Rothwell's Conveying the afⁱ Land by Deed to the afⁱ James Steel, this Depon^t knweth only by information, & further this Depon^t Sayeth not.

His
JOHN  DANIELLY.
Mark.

New Castle County, ss.

[L. s.] The above Deposition Sworn to before me, one of his Majestie's Justices of the Peace for s^d County, this 28th Day of April, in the 12th Year of the Reign of King George the Second, Anno Dom. 1739. Witness my Hand and Seal.

THO. NOXON.

Indorsed—Thos. Rothwell, Sen^r, & John Danielly's Depositions.
28th April, 1739.

PETITION OF MESS. ROTHWELL TO GOV. THOMAS, 1730.


To the Honble George Thomas Esq^r Gov^r of the Counties of New Castle Kent & Sussex upon Delaware and province of Pennsylvania :

The Petition of Thomas Rothwell jun^r & Garret Rothwell of Appoq^k Hundred and County of New Castle upon Delaware most Humbly Sheweth :

That your Petitioners entered as Tenants under Mr James Steel on a Certain Tract of Land Lying in the Fork of the main Branch of Appoquina^k Creek in the County of New Castle af^a Containing by Estimation Five hundred and ninety-five acres then belonging to the s^d Ja^s Steel & w^h your petitio^{rs} understood to be first taken up under William Penn, Esq Dec^d, within the County of New Castle af^a and held in possession as part of the s^d Co^{ty} as by the several Depositions herewith exhibited to y^r Hon^r may further appear.

And y^r Petitio^{rs} further Humbly Sheweth that about Three Years ago y^r s^d Petitio^{rs} purchased the s^d Land for a Valuable Consideration of the af^a James Steel by metes & bounds well known to many of you & have wth great Labour Industry und Expen^{ce} improved the s^d Land and have at all times Cheerfully paid & discharged all dues & duties required from us as inhabitants of the s^d Co^{ty} of New Castle & Demeaned ourselves Peaceably and Quietly to all p^{rs}ons.

Yet nevertheless such is the unhappy Condition of y^r Petitio^{rs} that after having been carried prisoners to Annapolis by the people of Maryland for possessing the s^d Land, by the suggestion of Mr James Paul Heath of Cecil County in the province of Maryland af^a who claims part of the s^d Land (by a Later Title as we understand) and suffering long there in a Loathsome Jayl, your Petitio^{rs} still suffer great Damages and Continual Disturbances by forcible entries and Encroachm^{ts} made on y^r Petitio^{rs} Land, by a certain Matthew Dunahoe, Augustine Noland and James Poor, who pretending to be Tenants to the s^d James Paul Heath, have made three Setlem^{ts} or Plantations on the same within the well known bounds thereof, & have made and continue to make such Destruction and Havock of the af^a Land & Timber thereon as y^r Petitio^{rs} would not willingly have suffered for the Sum of One Hundred & Fifty Pounds Curr^t Money-

And your Petitio^{rs} being further told by Augustine Noland af^a, who holds part of the af^a Land under the af^a Ja^s Paul Heath that since the s^d James Heath despaired of getting Quiet Possession of the af^a Land, he would  spoil the same, w^h will further tend to the Grievous Damage of y^r Petitio^{rs}

And your Petitio^{rs} Conceiving such proceedings to be unlawful and unjust, & in the end, if not speedily prevented, must tend to the entire ruin of y^r Petitio^{rs} : We therefore crave your Hon^{rs} favour-

able interposition, and pray such speedy relief as to y^r Hon^{rs} shall seem meet.

& y^r Petition^{rs} shall ever pray, et^c

THOS. ROTHWELL, Jun^r,
JARRAD ROTHWELL.

New Castle County, April 20th, 1739.

Endorsed—Thomas Rothwell, jun^r & Gar^t Rothwell's Petition to the Govⁿ, 28th April, 1739.

COMMISS'RS ON BOUNDARY, TO THE GOV'R., 1739.

Honoured Sir :

Men of skill can find a thousand objections against the doing of a thing that they have no mind to, this has been the Case of our Brother Commissioners. We had no sooner ended the Dispute about Horizontal and Superficial measure, but they started another of as curious a nature as the former. Ben Eastburn had provided a strong chain fit for measuring the 15ⁱⁿ & $\frac{1}{4}$, Mr. Gale produced a Gunter's chain made in London, & on examination, Ben Eastburne's (being but what they call an half Chain, or a Chain of two Perches, & Mr. Gale, a whole Chain or a Chain of four Perches,) was found to be exactly the half of Mr. Gale's, and being much stronger, was judg^d to be fitter for the Service. It seems that as no Chain can always be fully stretched, nor the surface of the Earth be entirely freed from sticks and Brush, so as to give a just measure an halfe a Chain is for this reason usually made an Inch longer than it ought to be, and a whole Chain two Inches longer. In order to defraud us of this Inch in every two Perches, Mr. Gale ordered Eleven yards to be measured on a flat piece of Timber, and the Chain as it was a full Inch longer yⁿ Eleven Yards, to be shortened to this, but on considering the matter again, he said it would be better to have an allowance made for it at the End of the Line. All this passed between him and the Surveyors, in the absence of Mr. Growdon & myself, who were stepped on one side in order to consider whether a Pole would not be better than a Chain to measure with. On our Return to them, the Surveyors had adjusted their Chains, and were preparing to begin the work, so that we heard nothing of what had passed about the Inch.

The next day in the Evening, after our Minutes were closed, without the least intention of such an allowance of an Inch in every Chain, and after they had set us off the twenty-five Perches for the altitudes of the Hills, Mr. Gale very modestly demands, twelve Perches and some odd feet for the Inch of Exceeding in the chain ;

we having heard nothing of the demand before, expressed our surprise at such an unreasonable request, on which he referred us to Ben Eastburn, who said that the Inch was mentioned at the time of the Chains being measured, but he did not understand that any allowance was to be made for it, since it never was allowed for that he knew of, and was but a just Equivalent for the Curves & Bents, & Baggings of the Chain. This however, would not satisfye them, nor abundance more that was said upon the Occasion, upon which we told them plainly that as these kind of niceties discovered a want of good disposition in them for the Execution of their Commission, we might as well break now as further on, & therefore absolutely refused to make them any allowance, on this they receded from their Demand of the Inch, & made another to be allowed half an Inch in every Chain for the thickness of the Sticks, this they said they would not give up; we replied, nor neither will we make you any allowance for the Sticks, but proceed to draw up a minute of the Occasion of our Breach, & so run the Line Ex parte, we shall not fail in our manner of drawing the minute up, to mention the ten little Sticks in such a light, as will show how nicely observant you are of the most minute thing that may affect your Proprietaries Interest, unless you choose to say no more of it, tho' if you please you may reserve to Lord Baltimore his Right to dissent from the Line, by reason that the Thickness of ten small Sticks were not allowed him in every Ten Chains.

At last they receded from this too, & desired that only one Chain or two Perches, might be allowed them in consⁿ of the Sticks, but on our refusing this too, they dropped the whole, and we proceeded to the full and just admeasurement of fifteen Statute Miles and a Quarter, and when we came to the End of the Line, we found ourselves no more than twenty Perches more South, than the Corner the Jersey Commissioners had fixed for the End of their South Line, at which we were greatly astonished, but as we cant but think that we measured very exactly, nay, are as sure of it as men can be, it appears that the Jersey Com^{rs} had made too large measure in the South Line by sixty Perches.

From the end of the South Line, we again proceeded West to the distance of about Eight miles, where we left off last night, and find ourselves upwards of thirty Perches more South than the Line run by the Jersey Com^{rs}, and we expect to-morrow about noon to reach Nottingham Township, and that as we proceed our Gains will proportionably encrease.

Mr. Gale having received an Account of the Death of his only Son went yesterday at noon to Cecil County Court to inquire of some of his Neighbors, that were to attend there as Justices, how his wife & family did, & to get a Letter to them. Before his departure we ordered the Surveyors to try the two Theodolites, as they did on Friday, the 20th of this Instant, and in the presence of all the Com^{rs}, they were accordingly tried, and upon a very careful exami-

nation, were found to agree exactly, and the Needles to have the same direction and variation, which they had at Philadelphia; this second Trial gave us very great satisfaction, and a Minute was made of it, and signed by all the Com^{rs}; we then told Mr. Gales & Mr. Chamberlaine, that if by any accident, Mr. Gales should not return to us again, as our Commission was only a Commission to join them two in running the Lines, we were well apprized that our Commission on a Separation would cease, and therefore thought it our Duty to acquaint them that we had positive directions to run the Line ex parte to Patowmee, or so far as there were any Settlements under Pennsylvania, in case of a Separation, & that by Sunday Night, we should have a Commission for that purpose from your Honour; and as they might depend upon this, we expected from them one of these three things, Either Mr. Gales speedy Return to us on Sunday Night or Monday Morning, or another Commissioner to be appointed by the Governor in his Room, or a Protection from the Governor of Maryland, in case we run it ex parte, & should meet with Obstructions from their people, as this we did apprehend ourselves to have a full right to from his Majesties order in Council; and that these our Demands, should be reduced to a minute, and made part of our Journal. Mr. Gale replied, that he had no Intention of leaving us, that if any accident should happen, he would write to the Governor of Maryland, to appoint a new Commissioner, & we should at y^e same time receive a full Protection from their Governor, and a Warrant to order all Persons to be aiding and assisting to us, in the Execution of his Majesties Orders in Council. And so we parted, with strong asseverations on his side, that he was fully determined to return to us, & join in running the Line. We are

Your Honours,

Most obedient,

humble servants,

RICHARD PETERS,

LAWRENCE GROWDON.

At Elisha Gatchil's,

29th Apr, 1739.

On what we have wrote, we leave it to your Honour to furnish us with a new Commission or no, in case of separation; and beg your Directions how to proceed, if contrary to our expectations, the Coll should now, or at any other time separate from us.

Indorsed—From Rich^d Peters & Lawrence Growdon, Comm^{rs} of Boundary, to the Gov^r of Pennsylvania. 29th April, 1793.

* See Col. Rec. vol. iv, pp. 313, 329.

MINUTES OF COMMIS'RS ON BOUNDARY LINE, 1739.

Monday, 23^d April, 1739.

The Commissioners met, and the Surveyors proceeded on the Line to an old Field belonging to John Newlyn, within the Society Land, on or near its North Line, at the distance of about thirty-one miles, due West from the Place of Beginning, where it was agreed that the line was run enough to the West for avoiding the large waters of Brandywine & Christiana creeks, and that the surveys should begin to set off the South Line of fifteen miles and a Quarter.

Then a dispute arose concerning the manner of measuring the said fifteen Miles and a Quarter; the Commissioners for Maryland insisting that the said Line should be fifteen statute Miles and a Quarter, run upon the surface of the Earth, without any allowance for the unevenness thereof; and the Commissioners for Pennsylvania, insisting that the said Line of fifteen Miles and a Quarter should be an Horizontal Line, that is to say, that the altitudes of the Hills should be truly taken, and a full and just allowance made for them; and both parties absolutely refusing to run the said Line in any other manner than that they proposed. The Commissioners for Maryland declared their Resolution to proceed ex Parte; adjourned till to-morrow for the further consideration of the Point in debate.

LAWRENCE GROWDON,
RICHARD PETERS,

LEVIN GALE,
SAM'L CHAMBERLAINE.

Tuesday, 24th April, 1739.

The Commissioners in conference took the matter yesterday debated into their further consideration; and it being their opinion that a separation of the Commissioners and the running of two different Lines, would be attended with all the evil consequences, for the preventing whereof his Majesty was graciously pleased to grant his Royal Order. Terms were proposed, and it was at last concluded and agreed, that the Line should be run on the surface, and that an allowance of Twenty-five Perches should be made for the altitudes of the Hills; and further, that the Rights of the several Proprietaries to run and measure the fifteen Miles and a Quarter in any other manner, should be saved to them; after which the surveyors proceeded to measure the said fifteen Miles and a Quarter, and having run the Line the Length of two statute Miles, left off in the ground of William Wickershon, in East Marlboro Township.

LAWRENCE GROWDON,
RICHARD PETERS,

LEVIN GALE,
SAM. CHAMBERLAINE.

Friday, 4th May, 1739.

The Commission^{rs} met, and the Surveyor^s proceeded on the West Line to a field in the Possession of Robert Paterson, at the Distance of about a Mile and an half from the River Susquehannah, and on In-

formation that there was no place on the Western side of that River but what would give great trouble to the survey^{rs} in measuring the half mile North, it was Judged proper to sett it off & measure it at this place, that there might be no delay to the Work on that account; and, accordingly, the surveyors set off and measured One hundred & sixty Perches, due North, and then turned a due West Line, and proceeded thereon to a distance of ab^t a Quarter of a Mile from Susquehannah.

LAWRENCE GROWDON,
RICHARD PETERS,

LEVIN GALE,
SAM'L CHAMBERLAIN.

Saturday, 5th May, 1739.

The Commissioners met, and the surveyors proceeded on the West Line which was yesterday set off at y^e End of y^e half mile North, & run the same to the Western Banks of Susquehannah, to an Hickory Tree, which was ordered to be marked with four Notches on Each side, and it was unanimously agreed that the West Line down so far south as fourteen miles, & three Quarters of a mile south of the Latitude of y^e most southern part of y^e city of Philadelphia, as mentioned in the King's order of Council, to be the temporary limits between the two Provinces on the West side of Susquehannah, should begin at that Hickory Tree so marked as afores^d, and be extended towards the River Potomac so far as should be judged necessary for the Peace of the two Provinces. Then the surveyors resumed the West Line at the place in Paterson's field, where they left off in order to sett off the half mile north, and extended that West Line to the Eastern banks of Susquehannah to a Chestnut Oak Tree, on the south side of a very high and steep, Rocky Point, sometimes called Lindsay's Point, but now, from its remarkableness called Parting Point, as it is so near the Division Line between the two Provinces, which s^d Chesnut Oak Tree was marked with four notches on Each side; and it was unanimously agreed that the West Line, so run as afores^d, from the south side of a Run in a Tract said to be the London Company's Tract, and extended as afores^d to s^d Chestnut Oak Tree on the south side of Parting Point, should be the line to settle the Temporary Limits between the two Provinces on the East side of the River Susquehannah, down so far south as fifteen miles, and one Quarter of a Mile south of y^e latitude of y^e most southern part of y^e city of Philadelphia, reserving, always, the Liberty to the Propriet^{rs}, as mentioned on our Minute of Tuesday the 24th April last.

LAWRENCE GROWDON,
RICHARD PETERS,

LEVIN GALE,
SAML. CHAMBERLAIN.

Sunday, 6th May, 1739.

Mr. Gale informed the Commissioners, that he had, since he came from Philadelphia, on this Line, received an account of y^e Death of a son, and that by a special messenger he had Just now rec'd a fur-

ther account that one of his daughters was dangerously Ill, and his Wife and family in very great distress on that occasion, and proposed an adjournment to a further day, for that he was rendred incapable to give such attention to the Proceedings on the Temporary Lines as his duty required, & therefore declared he would proceed thereon no further. And Mr. Chamberlain declared that he apprehended he had no authority to proceed otherwise than in conjunction with Mr. Gale, and likewise declined going further with the Line.

Whereupon, the Commissioners of Pensilvania said, that as Coll^l Gale had on Friday y^e 27th April, received the acc^o of his sons death, and as they were then apprehensive it would affect him so much as to render him incapable of proceeding on the Line, & might Occasion a separation of y^e Commissioners, they had at that time wrote an acc^o of it to their Governour, requesting his further Orders in case it should prove as they feared, and had rec^d for answer from his Honour, that he had sent them a new Commission (in case of a separation of the Commissioners) to proceed Ex Parte, to finish the temporary Lines, for that the Peace of the Government absolutely depended thereon. They, the Commissioners of Pennsylvania, therefore, declared that they could not adjourn; but as they judged it to be absolutely necessary for the peace of both governments that the Line should be forthwith compleated without any delay, and as they had a commission for that purpose, they would proceed Ex Parte, and continue the West Line to run as afores^d, to the notch'd hickory Tree, on the Western Bank of Susquehannah, and extend it from that Tree as far as the peace of the Government should make it necessary.

LEVIN GALE,
SAML. CHAMBERLAIN,
LAWRENCE GROWDON,
RICHARD PETERS.

Signed by the Commissioners
In the presence of

WM. RUMSEY, &
JAMES WHITEHEAD.

Indorsed.

Proceedings of the Commissioners for running temporary Boundary between the Provinces of Pennsylvania & Maryland, April 23^d to May 6th, 1739.*

*See Col. Rec. Vol. IV. p. 313, 329, and Archives, p. 595.

COMM. ON BOUNDARY LINE, 1739.

HONORED SIR :

Your Favour of the first Instant, together with the new Commission, was delivered us by Whitehead on Friday noon, and found us in a State of great uncertainty with respect to Mr. Gale's determination, whether he would or would not proceed wth us over Susquehannah. But to our great satisfaction, after we had finished the Line on this side the river, he told us he would proceed with us on Munday morning to run the Line on the other Side, and moved that ye Tent might be got ready and all hands encamp, in order to get to work early. But before noon a messenger arrived with news that one of his Daughters was taken ill of the measles, and the other expected hourly to be so; his wife tells him she is quite comfortless, & writes like one in the most forlorn condition. This has broke all our measures, and Mr. Gale is gone from us, after signing the Minutes, of which the inclosed is a Copy.

We have presumed to differ from the Governor in one Point, that is in making the Cavils and disputes of the Maryland Commissioners a part of our Minutes, because the many trifling objections were offered by these Gentlemen, in the manner already wrote, yet they in the end waived them, and joined with us in every minute, and as we have not in the least Tittle given up any thing to them, unless in the reservation about the manner of measuring the South Line shall be judged a concession on our part, but run as just and fair Line; their joining with us ascertains the Line to all Intents and purposes, and makes it impossible for Lord Baltimore ever to controvert it so far as it is run, or to propose any other method of running the remaining part than that which is taken by us. We have had it principally in our view all along to make it appear by our Proceedings that the Line now run is a fair Line, and run with the full consent and joint care of the Commissioners for both Provinces, to the End that there might be no manner of room for any kind of dispute about it; for we cannot but consider this Line with respect to Property as well as Jurisdiction, and in this Light we conceive it would be greatly to the prejudice of our Proprietaries to have any dispute about it, for tho' the merits of the cause should be never so clear in favour of the Conduct of their Commissioners and Surveyors, they would be put to an Expence in prosecuting their suit, that would be greater than the value of all the Lands to be got or lost by any two different ways of running these Lines.

We hope on perusal of the Minutes, and of our manner of closing them, that your H^{on}our will approve of our Conduct, and in order to make it consistent, indulge us in one favour more, that is, that you will be pleased to let another Commission pass the Seal of the date of the first of this Instant, and continue with Mr. Lowrie till our return, in which, instead of mentioning any Cavils and disputes

that have arisen, we humbly submit that some such clause as this may be inserted: "And, whereas, you have, pursuant to the said Commission, made some progress in the said work, in conjunction with the said Persons appointed on the part of Maryland, but have good cause, as you inform me, to believe that the said Levin Gale and Samuel Chamberlain will separate from you without bringing the work to a conclusion, That the same may not be left unperfected, and that the Gracious Intentions of his Majesty may not be defeated, I do hereby authorize, &c., &c.

We gained one hundred and ten Perches at the End of the West Line, so that the Line at the distance of fourteen miles and three Quarters from Philadelphia, on the other Side Susquehannah, is but fifty Perches more worth than the End of the Jersey Line.

Coll. Gale, as Chief Justice, has given us a Warrant directed to the Sheriff & Constables of Baltimore County & Prince George's County, to take up any persons that shall offer to disturb us, and has promised to send us the Governor's special Protection to a place at the distance of 30 miles off, by a special messenger.

We shall give the work all the dispatch we possibly can, consistent with that exactness w^{ch} persons under oath or affirmation must proceed with. Our horses are already on the other side, & we shall follow them early in the morning.

We are,

Your Honours

Most obedient

humble Servants.

Peach Bottom Ferry,
6th May, 1739,

LAWRENCE GROWDON,
RICHARD PETERS.

REPORT OF COMMISSIONERS ON BOUNDARY LINE, 1739.

To the Honourable George Thomas, Esquire, Lieutenant Governor and Commander in Chief of the Province of Pennsylvania, and Counties of Newcastle, Kent, and Sussex, on Delaware.

The Report of Lawrence Growden and Richard Peters, Commiss^{rs}, and Benjamin Eastburn, Surveyor, appointed by virtue of your Second Commission, bearing date at Philadelphia, the first day of May, 1739, for proceeding ex Parte to finish the Temporary Lines (already begun by Us in Conjunction with the Commissioners of Maryland) between the two Provinces of Pennsylvania and Maryland.

Whereas the Minutes of the Proceedings of the Commissioners of both Provinces while in Conjunction will shew that on the Day

before the separation of Mr Gale and Mr Chamberlaine, it was unanimously agreed that the West Line down so far South as fourteen miles and three quarters of a mile South of the Latitude of the most Southern part of the City of Philadelphia, as mentioned in the King's order of Council, to be the Temporary Limits between the two Provinces on the other side of Susquehannah, should begin at a certain Hickory Tree on the Western Bank of the said River, marked for that purpose by order of the said Commissioners, with four Notches on each side, and be extended towards the River Patowmec as far as should be judged necessary for the Peace of the two Provinces.

We, the said Commissioners and Surveyor, do humbly report, that in pursuance of the said Minute, the Surveyors on the part of Pennsylvania, making that Hickory Tree the place of Beginning, did, on Tuesday, the eighth of May, run a due West Line towards the River Potowmec, with the very same Instrument and Variation of five degrees and twenty five Minutes, with which the Line on the East side of Susquehannah, in Conjunction with the Maryland Commissioners, was run, and causing the Trees that fell in or near the Line to be marked and blazed in the very same manner as was observed in that Line, the Surveyors proceeded from day to day and extended the Line to the Top of the most Western Hill of a Range of Hills called the Kittocktinny Hills, distant from the place of beginning about eighty eight Statute Miles.

And as this Hill is one of the Boundaries of the Lands purchased by our Honourable Proprietaries from the Indians, and no persons are permitted to settle beyond that Range of Hills, We Judged the Line to be run far enough to settle the Jurisdiction of the two Provinces, and to Answer all the Purposes of our Commission, and therefore ordered the Surveyors to end there, and several Trees to be marked with the Initial Letters of the Names of our Honourable Proprietaries, as is usual at the close of Boundary Lines.

LAWRENCE GROWDON,
RICHARD PETERS,
BENJA. EASTBURN.

Philadelphia, 28th May, 1739.

Indorsed.

Report of Lawrence Growdon, Richard Peters & Benjamin Eastburne, Commissioners empowerd by a second Commission, to finish the Temporary Lines between the two Provinces, notwithstanding the Separation of Mr. Gale and Mr. Chamberlayne. 28th May, 1739.

RENEWAL OF HOSTILITIES WITH SPAIN, 1739.

Whitehall, June 15th, 1739.

Sir,

As it was stipulated by the Convention concluded between His Majesty and the King of Spain, on the 14th of January last, N. S., That the sum of Ninety Five Thousand Pounds Sterling should be paid at London within the Term of Four Months, to be reckoned from the Day of the Exchange of the Ratifications of the said Convention, as a Ballance due on the part of Spain to the Crown and Subjects of Great Britain; and as the said Term of Four Months from the Exchange of the Ratifications of the Convention did expire on the 25th Day of May last, and the Payment of the said sum of Ninety Five Thousand Pounds Sterling agreed by the said Convention has not been made, according to the Stipulation for that Purpose, by which means the Convention abovementioned has been manifestly violated and broke and his Majesty's Subjects remain without any Satisfaction or Reparation for the many great and grievous Loses sustained by them, His Majesty has thought himself obliged to take such measures, on his part, as are necessary for the Support of the Honour and Dignity of His Crown, the Security of the just Rights of his Subjects, and the Good and Safety of his Dominions; and has therefore ordered the Ships and Effects of the King of Spain and His Subjects, to be seized and taken wherever they shall be met with; with which I am commanded to acquaint you, That you may cause the same to be made known in all Places under your Government, to the end that His Majesty's Subjects in those Parts may be upon their Guard to prevent any mischief they might otherwise suffer from the Spaniards, in Revenge for the Measures which His Majesty is obliged to take to do Himself and His Subjects Justice; and that they may, in their several Stations, annoy the Subjects of Spain in the best manner they are able. And I send you herewith by the King's order, His Majesty's Warrant under His Royal Sign Manual, authorising and empowering you to grant Commissions of Marque and Reprisal, for arming and fitting out private Ships of War, against the Ships, Goods and Subjects of the King of Spain. And it is His Majesty's Pleasure that you should be very rigorous and severe in preventing any Ammunition or Stores of any Kind from being carried to the Spaniards; and you are to use all proper methods that may be most effectual for this Purpose.

I am,

Sir,

Your most Obedient

Humble Servant,

HOLLES NEWCASTLE.

Deputy Governor of Pensilvania, or
 Commander in Chief for the time being. }

Indorsed.

Letter from the Duke of Newcastle, dated 15th June, 1739, accompanying his Majesty's Warrant for granting Letters of Marque.*

COUNTERFEITING BILLS OF CREDIT, 1739.

A Design being concerted to defraud his Majesty's Subjects of New England & other Parts of America of a large Sum of Money by counterfeiting the Money Bills Current in that Province & New Jersey, It is thought necessary for the Publick Good, & in Order to detect the Persons concerned therein, to draw up the following Scheme of it, as given by One who says his Name is Robert Jenkins, who is employed here for that purpose, he says he lives in Selim, in the County of _____, upon Delaware, & came over to London to get several of said Bills counterfeited, in Order to put them off for real Bills, in Trade, on his Return. Pursuant to such Intention he came to Abraham Ilive, Printer, in Southwark, on Saturday, Dec^r. 22^d, 1739, and showed him five Money Bills of the Currency of Newcastle, Kent, Sussex, & New Jersey, & told the s^d Ilive, then & at several Meetings since, that if he would print s^d Bills he would give him five Guineas & would send him a farther Gratuity on his Arrival in New England, that if s^d Ilive would be secret he should employ him hereafter by sending over fresh Bills, if any should be published, when he got back; that s^d Bills should be conveyed in the Padd of a Saddle, to prevent Discovery, & that s^d Ilive should convey them to him in the same manner, And that they must be printed exact with the Patterns, (For which he gave written Instructions now in Mr. Sec^r Stone's House,) otherwise they would be of no Value. Ilive told him that some of the Characters were out of Use, & hard to be matched. He answered that about two Years & a half ago a Cousin of his carryed to New England 6000^l of that money, which he had got printed in London, & had actually assisted him in putting off for Current Money to the Value of 1000^l in 20^a Bills, & in Order to make them look like Orig^l Bills, which were foul by handing about in Trade, he put them in a Bag with 6 pounds of Shot & rode with them 13 Miles, by which means they were worn & soiled as tho' they had been in Trade ever since their Date. Ilive asked him how he would get the Hands of the Signers. He answered they wou'd do it for a Quarter Value, or if they wou'd not, it was only getting one of the real Bills, & he wou'd sign their Hands for them; for my Cousin, says he, did so, & passed his all away, & I can do the same, because I trade to New Jersey, Connecticut, &c., in a Shallop of my own. He added, That if any Imposition should be discovered, it's probable the Bills will be called in,

* See Col. Rec. Vol. IV. p. 350—proclamation issued.

& fresh deliver'd out. If this sho^d happen, I will send you over One of the fresh Bills with Goods sufficient to bear the Expence, and reward you handsomely besides.

Farther Particulars of what passed between said Ilive & Jenkins see in a Paper before given to Mr. Secretary Stone.

This Day, the 28th of Dec^r. 1739, Abraham Ilive being duly sworn, declared upon his Oath, that the contents of this Paper are all true.

ABRAHAM ILIVE.

Taken & Sworn the Day & Year above mentioned before Us.

ANDREW STONE,
S. BUCKLEY.

Friday, Dec. 28, 1739.

Produced to Mr. Sec^{ry} Stone, five Many Bills of the Province of New England & New Jersey, viz: One twenty shilling Bill of New England, & four of New Jersey, One for fifteen Shillings, One for twelve Shillings; one for six Shillings & One for three Shillings, printed in red & black Colours, & signed by Persons who appeared authorized so to do.

This 28th Day of Dec^r. 1739, Abraham Ilive being duley sworn, saith upon his Oath, that the Bills above men^d were all delivered to him by Rob^t. Jenkins.

ABRAHAM ILIVE.

Taken & Sworn the Day & Year above written before Us.

ANDREW STONE,
S. BUCKLEY.

Indorsed.

Copy Abr^a. Ilives Information abot Counterfeiting Paper Currency.*

28 Decr. 1739.

Mr. Printer, to whose Hands this comes. In the first, Place just such Paper; Secondly, just such Ink, & 3^d, just such Letters, & every Spot & Tittle to be minded, or else it is of no Value, & if I have any Luck with it as I expect & hope I shall, You shall have a second Reward worth having. If the Letters of every Word is not alike & at the end of some Words a Spot as at this. and when You have begun, compare them together, and if they be not alike,

*See Col. Rec. Vol. IV. p. 225, 273, 274, 422, 429.

make an Alteration in Your Stamp to every thing as you can see in the Pattern, & at the End of every One You will see a Word, & the Sum of the Bill, in this manner, VI S, & so to all the rest, in proper Accot of Value, but You must count every Flourish at the Beginning & the Rest will follow.

One thousand of the 20 Shillings,
And twelve hundred of Each of the Other.

Dec^r. 27, 1739.

This Day I produced this Paper to Mr. Sec^{ry} Stone, containing Instructions to counterfeit Bills of New England, & delivered to me with five Bills, on Saturday, Dec^r 22, 1739, by Robert Jenkins, who said they were given him by a Cousin of his, who, he said, was to assist him in the publishing Counterfeit Bills. I also delivered this Paper, on Dec^r. 28, 1739, to Mr. Sec^{ry} Stone.

This Day, the 28th of Dec^r., 1739, Abraham Ilive being duely sworn, do's upon his Oath declare, that this Paper of Instructions, written on the other side, and also the five Bills mentioned in another Paper (which Bills he has now put into Mr. Sec^{ry} Stone's Hands) are the same which were delivered to him by Robert Jenkins.

ABRAHAM ILIVE.

Taken & sworn the Day & Year
above written before Us.

ANDREW STONE,
S. BUCKLEY.

Indorsed.

Copy Peter Longs Instructions to any Printer how to counterfeit Mony Bills.

Jan^y 21st, 1739.

Mr. Ilive :

I beg You wou'd do these Blanks this Week, if possible You can, that I might not be detained for want of it when the Weather permits of my going home: if you please to send me a Line or two when I shall come for it. I have 3 Gallons of Cordial at Your Service, out of my Store, & further, I will give, from under my Hand, to send You a Hogshead of Rum, by the first Ship that comes from that Parts, or deliver to whom You should order, the first Day of my Arrival at Home. Sir, I beg you wou'd not fail doing it soon, & that Your Goodness & *Charity* will consider the

Expenses & Charges I have been at about it, that I might not leave it to do when I am going, I shall have little time to do it.

From Your friend, to serve,
ROBERT JENKENS.

Produced to Mr. Secretary Stone, Feb^{ry} the 1st, 1739-40,
this Letter by me.

ABRAHAM ILIVE.

For Mr. Ilive, in Bird Cage Alley,
near St. George's Church, the Borough.*

DUKE OF N. CASTLE TO GOV. T. ON EXPEDITION TO
SPAIN, W. I. 1740.

Whitehall, January 5th, 1739-40.

Sir :

"His Majesty having thought fit to declare War against Spain, and being determined by all possible Means, to distress and annoy the Spaniards in the most effectual manner, and particularly by making an attempt upon some of their most considerable Settlements in the West Indies. The King has been pleased for that purpose, to order a large Body of Troops under the Command of My Lord Cathcart, a Major General of His Majesty's Forces, to go from hence with a sufficient Convoy of Men of War, to a proper Place in the West Indies, to be appointed for that purpose, there to be joined by the Squadron under the Command of Vice Admiral Vernon, now in the West Indies, and by such a number of Troops, as may be raised in His Majesty's Colonies, and Islands in America."

As it has been represented to the King, that a very considerable number of men may be easily had, upon proper "Encouragement in the British Plantations, and particularly in His Majesty's Colonies on the Continent of America, to serve in Conjunction with the Regular Troops to be sent from hence, I am to signify to you His Majesty's Pleasure, that you should forthwith make the proper Dispositions for raising as many Men as you shall be able to procure within your Government; and, as the King intends that the Troops to be raised in America, should be commanded by Col^o Spotswood, the whole to be however, after they shall have joined the Regular Troops, under the Command of My Lord Cathcart, General and Commander in Chief of all His Majesty's Troops sent to or raised in America," (with which I have by this

* See Col. Rec. Vol. IV. p. 273, 274, 422, 429. There is an impression in the Secretary's office.

Occasion, acquainted Col^o Spotswood.) It is His Majesty's pleasure, that you should confer, or correspond with Col^o Spotswood, if you have an Opportunity, upon every Thing, that may relate to the performance of this Service.

Col^o Blakeney, who is appointed Adjutant General in this Expedition, will set out from hence as soon as possible, with His Majesty's Letters and Authorities to you, and the other Governors of His Majesty's Colonies on the Continent of America, for making the said Levies, and with the King's more particular Instructions and Directions, relating to this matter. In the mean time, the King has thought proper, that I should give you this previous Notice, that you may be making the necessary Dispositions in order to facilitate as soon as possible, the Raising the Troops. Col^o Blakeney will carry with him a considerable Number of Arms, some Samples of Cloathing for the Soldiers, and what Money or Credit shall be judged requisite for the performance of this Service.

"It is His Majesty's Intention, to give all proper Encouragement to the new Levies, by ordering them to be supplied with arms, and a proper Cloathing, and to be paid by His Majesty; with an assurance of their coming in for their Share of any Booty, that may be taken from the Enemy, and of their being sent back to their respective Habitations, when the Service shall be over, unless any of them shall desire to settle themselves elsewhere.

"His Majesty will order to be sent by Col^o Blakeney a Number of Blank Commissions to be given by the Governors to the Officers that are to command the Troops under Col^o Spotswood." The King has not thought proper to confine you to any particular Number of Men to be raised within your Government, His Majesty depending upon your Care and Zeal for his Service, that you will procure as many as you possibly can.

You will consider how much the Time presses, and will therefore use the utmost Expedition in making your Preparations. It is hoped, that My Lord Catchcart may be able to sail from hence in April or May next, and consequently you will take Care that the Troops to be raised within your Government, may be ready to be transported in time to the place that shall be appointed for the general Rendezvous, with which Colonel Blakeney will acquaint you, as well as with every Thing else, that may be necessary for your further Information & Instruction.

You will be considering in what manner to provide Transports & Provisions, and even, if it be necessary, you will secure them out of Hand for such a Number of Men, as you shall judge you may be able to get within your Government; or you will correspond with any of the Governors of the neighbouring Colonies, relating to this matter, in such manner, as you shall think proper.

I am persuaded, I need not say any Thing to induce you to use your utmost care and Diligence, in an Affair of this "Importance, and for the promoting the Success of a Service, in

“ which the Honour of His Majesty’s Crown, and the Interest of
 “ His Subjects, (especially Those residing in America,) are so essen-
 “ tially concerned. The many Injuries and Cruelties, which the
 “ Inhabitants of the British Plantations have suffered from the
 “ Violence and Depredations of the Spaniards, will, I doubt not;
 “ be an additional motive to engage all His Majesty’s faithful Sub-
 “ jects there, to exert themselves with an uncommon Zeal on this
 “ occasion.”

I am

Sir,

Your most obedient
 humble servant,

HOLLES NEWCASTLE.

P. S. Tho’ Col^o Blakeney, will be dispatched as soon as possible, with His Maj^{ty}s more particular Instructions and Directions to you, yet that no Time may be lost, It is His Maj^{ty}s Pleasure, That immediately upon the Receipt of this Letter, you should summon a Council, and communicate to them his Maj^{ty}s Orders, for the better Enabling you to put them in Execution; and that you should also forthwith, issue a Proclamation in the proper Form, Inviting His Maj^{ty}s Subjects, within your Government, chearfully to enlist in this Service, and assuring them of a proper Encouragement for that Purpose.

HOLLES NEWCASTLE.

Indorsed—Rec^d April y^e 10th, 1740, by the Colchester from Virginia, from his Grace the Duke of Newcastle, concerning the intended Expedition against some part of the Spanish West Indies.

THE DEPOSITION OF MATTHEW DONAHOE, OF CECIL COUNTY,
 PLANTER, 1740.

The Deponent being Solemnly Sworn on the Holy Evangelists of Almighty God, Declares that on Saturday, the 19th day of January last, he went into the plantation of a Certain Augustine Nowland, who was Tenant to James Paul Heath, on some Lands in Cecil County, Generally called the Levills, and saw four Men come into the field and go to the dwelling House, and from thence came towards the Tobacco House, which houses stand twenty or thirty yards Distance where the Deponent met them, and knew Gerard Rodwell and Henry Pecker, two of the said Persons, who both reside on lands held under Pensylvania Claims in New Castle County, on Delaware, as they pretend, and the same Gerard said to the deponent,

* See Proclamation in Col. Rec. Vol. IV. p. 396.

why, your Neighbour Nowland has run away, to which he made Answer, that's more than I know. Yes, 'tis true, said he, I have got an Attachment out against his Effects, and will secure my self; and going all of them into the Tobacco House and looking on some Tobacco that was hanging, and a parcell in Bulk partly stript, Gerard Rodwell said to one of them, whom this deponent since understands was one William Williams, A Constable of a hundred in New Castle County, do your Office, Whereupon the said person, An Officer of New Castle County, as the deponent Apprehended, said, I do Attach all the Tobacco and the Grain now growing on this plantation, for the Use of Gerard Rodwell, In the Presence of you, Mathew Donahoe, and then the said Gerard said, he would go to the dwelling House and see what was there; why, said deponent, how can you do that, the door is lockt? no, it is not, said he, and all four, and the deponent with them, went to the dwelling House, the door whereof was shut, with a Bench put inside the house against the door to keep it Shut, which door the aforesaid Gerard pushed against and forced open a little, and then putting his Arm in removed the Bench and Opened the Door, and all Going in the House, Gerard Rodwell Ordered the Officer to attach the Bedstead and Buckett, and the deponent told them the Buckett and Bedstead belonged to George Holton, and thereupon he thinks they declined to Attach them, and Gerard Rodwell said, let's see what's in the loft, and Jumping up the Scuttle hole, he said, here's some Wool and some good Tobacco, which Tobacco the Officer or Constable also attached for the use of the said Gerard Rodwell, and he believes the Wool, but cannot be certain as to the Wool, and the fourth man of them, whose name the deponent does not know, kicked down the Bedstead, and thereupon the deponent said he ought not to kick the Bedstead to pieces, and he replied, he did not care, and all Coming out of the House, and Gerard Rodwell Closing the door, the deponent left them in the Yard and went about his Business.

His

MATTHEW ✕ DUNAHOE.*

Sworn, the 7th February, 1739,
before me,

Mark.

WM. RUMSEY.

Indorsed—Deposition of Mathew Donahoe, from Gov^r Ogle, 7th Febr^y, 1739.

“THE RETURN OF THE WARRANT.” AG^t. IS. PEMBERTON.

To the Honourable George Thomas, Esq^r, Lieutenant Governour of the Province of Pensilvania, and Countys of New Castle, Kent, and Sussex, on Delaware. I humbly Certify that, by virtue of this

* Reed. from “Gov. Ogle,” Indorsement.

Warrant to me directed, I did, on the day and at the place within mentioned, take and arrest the within named Israel Pemberton, and him in my Custody had and detained. And that the said Israel then and there out of my Custody, did escape and depart, so that I cannot have him at the day and place within mentioned, according to the exigence of the same Warrant.

So answereth,

S. R. SHER.

Pen., ss.

To S. R. [Septimus Robinson] Sher,

Whereas, by my Warrant bearing date the twenty sixth day of this Instant, February, you were required, in his Majesty's name, to take Israel Pemberton, Jun^r, of Philadelphia, Merchant, and bring him before me in Council on the same day, to answer to such Matters and things as should be objected against him in his Majesty's behalf. And, whereas also, you have made return on the said Warrant, that by virtue thereof, you had taken and arrested the said Israel who had thereupon escaped and departed out of your custody, so that you could not have him at the time and place therein mentioned, according to the exigence of that Warrant.

You are therefore hereby again required in his Majesty's name, to take the said Israel Pemberton and bring him before me in Council immediately, to answer to the premisses, And, for your so doing, this shall be your sufficient Warrant.

W. ROSS, Cl.

Indorsed—Warrant for the Sheriff to take Israel Pemberton, Jun^r, and bring him before the Council.*

JAS. HAMILTON TO R. PETERS, INDIAN CHILD, 1740.

Sir,

Though I think the whole of the Indian Woman's Story very improbable, yet I cannot refuse to have the Matter examin'd, and therefore desire you will, in my name, order Mr. Cookson to enquire into it, (for I do not care to trust such an affair to any of the ignorant Country Justices.) If Mr. Cookson, upon the Child's being produced & Claimed by the Indian, finds reason to believe it really belongs to her, and not to James Dixon, or any of his Servants, I would, in that Case, have the Child sent down to Me, in order that the thing may be more particularly examined into, in my Own Presence, upon which I shall be better able to judge what is fit Me to do

* See various proceedings respecting this affair in Col. Records, Vol. IV., p. 389-394.

therein. I desire you will bring with you to-Morrow, the two Acts of Assembly for erecting the Counties of York and Cumberland, for I have them not.

I am, Sir,
Y^e Most humble Sert,
JAMES HAMILTON.

Tuesday, 3^d March.

Pray Ask the Indian why she never delivered Mr. Scarborough's letter before, since it appears by the date to have been written Two years and a half ago.

J. H.

LETTER REFERRED TO ABOVE.

An Indian woman called Sarah, one of the Nantycokes of Maryland, brought to our Governor a Letter from one Mr. Scarboro', a Magistrate of Snow Hill, wherein he says that there is reason to believe that, at the Instance of some person in this province, a female child, born of the body of this Indian woman, was taken away from her under pretence of its being his child, brought into this Province. On the Indian being examined, says, y^t her Child is at one James Dixon's, or Dickenson's, at Octarara, in your County, and prays y^t it may be delivered to her, on her proving it to be her child. I have, therefore, issued Governor's express commands, to desire of you y^t you woud forthwith examine yourself, this affair, and * * * *

F. J. PARIS, TO GOV. THOMAS, WAR WITH SPAIN, 1740.

Surry Street, London, 10 Mar., 1739-40.

Sir,

I am under some Surprise that, when a War is declared, chiefly to be carried on in America, and such vast Preparations are made for it here, & also so many Applications made from several Parts in America, I have rece^d no Notice of what may be wanting, or might at least be desired by the Assembly, in Your Province.

We have, at present, a large Imbarkation designed from hence.

We have raised many additional Forces here.

Also a great Body of Marines.

A prodigious Number of Ships of War are put into Commⁿ, as well as Letters of Marque granted to private Ships.

A General is appointed (Lord Cathcart) for a large Body of Troops, proposed to be raised in America, chiefly out of New England & Conecticut, & its said the Head Quarters are to be at New York.

And all Sorts of Preparations making here.

Notwithstanding all w^{ch}, those who wish for Peace flatter themselves with the Hopes that Matters may soon be accommodated.

As I had rec^d no Sort of Directions from the Province, nor indeed was so much as instructed to Answer, if the Question had been askt of Me, in what State of Defence the Province was, I durst not, nor could possibly, ask for any proper Supplys for Yo^r Province,

But the Proprietors here, ever watchful for the Good of the Province, have used their Intst at the Admiralty, & are promist that a Man of War shall be stationed in Delaware Bay.

I have, within a very few Days, read a Letter of Instructions from the Gentlemen of the Assembly, & also an acco^t of the Paper Mony & Value of Gold & Silver there, which I carried from them immediately to the Lords of Trade, but found their Lordships had rec^d a Paper (as near as I can perceive by reading it) in the Self same Words, from Yo^r Self, by a former Ship which bro^t yo^r Letters to them, three Days before I rece^d mine from the Assembly.

The Lords of Trade have had a difficult Task to get an Acco^t relating to that Affair in sev^l of our Provinces and Colonys, & as they have not yet rece^d full Information from some of them, they have not hitherto layd any Acco^t at all thereof before the Two Houses of Parliam^t. And as these Houses have many Special Matters now before them, & the Sessions wearing out apace; its even doubted whether the Parliament will be able to do any thing therein this Year.

If they do, its generally believed, from the Nature of the Thing, that they will only make some short, general Provision, that no more Paper Mony shall be, for the future, issued in America, until the Acts are first approved at Home, so to prevent the Encrease of the Evil complained of any further.

For to look into the State in Each separate Colony, & to provide separate and adequate Relief with Regard to what is past, would, of itself, be Employ^{mt} for a whole Sessions.

I am now to mention to You an Affair of very great Importance to yo^r Province, the Papers and Information in which I send to yourself *only*, least the Assembly sho^d not be Setting that private and speedy Care may be taken to bring the Offenders to Punishment.

You have One Peter Long in Philadelphia, who, about 2 or 3 years ago, himself brought some New England Paper Mony to England, & had Counterfeits made here, to the Amount of 6000^l, most of which he got off, & has now got & sent over, by one Robert Jenkins, (whom he calls Cozen, & who seems to belong to a small Vessel, & says he lives at Selim, upon Delaware) One Twenty Shilling Bill of yo^r Lower Countys, & three New Jersey Paper Bills, & has employed One Abr^a Ilive, a Printer at Mr. Reyners Printing House in Southwarke, or in Bird Cage Alley there, to counterfeit & print off those Bills, viz., 1000 of the Lower Countys' 20^s Bills, & 12000 of Each of the New Jersey Bil's.

Peter Long has sent over (of his own Hand Writing) Directions to whoever sho^d be the Printer, how to execute the Scheme, & make the Counterfeits exact.

Peter Long writ to Jenkens in Octo^r last, to settle Terms with some (honest) Printer here, that they themselves need not come backwards and forwards to England upon every Occasion, but might send him, from time to time, (in the Wading of a Saddle) any new Bills they would have counterfeited, & that the Printer might return a large Impression of Counterfeits, stufft in the Wadding of the same Saddle, & acquainting that he sho^d very soon get some Bills of the new Emission in Yo^r Province, and that he sho^d want a great Number of them.

And Ilive, the Printer, was promist mighty Rewards, if he woud be faithful to his Trust, & carry on this Affair from time to time.

I doubt Ilive himself is but half honest, he was rather fearful of coming into Trouble, & desirous of getting some Reward, than merely of discovering such a Base Design out of a true hatred to it.

But, however that was, about the 27th & 28th of Dec^r last, Ilive carryed the Papers, & made an Informⁿ to the Under Secretarys of State, Therein (by Mistake) calling the Bills *New England & New Jersey Bills*.

The Under Sec^{ys} of State sent for the New England & New Jersey Agents, not knowing (as they say) where New Castle, Kent, & Sussex were.

The New England Agent, being very ill & confined to his Chamber, he cou'd not go to the Sec^{ys} for three Weeks or more, to set them right, & so it was several Days before I knew any thing of it.

Immediately on Notice, I attended the Sec^r of State, & having some Int^t, I got the very Orig^l Informⁿ made to them, & immediately advised with Council (amongst Others with the Sol^r Gen^l) what Offence this was here, & how far this Jenkens cou'd here be punisht for it.

Upon great Consideration, they all agreed that it wou'd not be punishable here, & advised, by all means, to let the Printer go on & furnish Jenkens (who did not know he was betrayed) with what he wanted, & to take Care to have some private Marks to know the Counterfeits by, & to send Notice in Order to seize Jenkens & Long, & the Cargo of Counterfeit Bills together, in America, where Your Laws may reach him, for fear, if Ilive refused him, he sho^d go to some Other who might carry it on unknown to Us.

Accordingly, by the Sol^r Gen^l's Directions, we let Ilive go on & make the Bills for Jenkens, & Jenkens is now going over to yo^r Province, or to some Neighbouring Province, with a Cargo of the Counterfeits.

But its impossible for me yet, to fix what Ship he intends to go by, as there are very many Ships w^{ch} have been a long time ready to depart, had it not been for the Embargo, the Press, & the very severe Frost, whereby some have been stopt for 5 Months past.

The long stay w^{ch} this Jenkens has been forced to make here, has

made him spend all his (good) Mony, & I believe he has not been able to pay the Printer what he promist him down, besides the mighty Rewards he was to expect in future.

This has made Ilive, the Printer, expect not only the Reward I promist him for his Discovery, but also what Jenkins was to have paid him.

I now enclose you One of the Counterfeit Bills, and the two Org^l* Informations, & an Orig^l Letter from Jenkins to Ilive.

These Counterfeit Bills differ from the true in five particular Instances.

1, 2, 3. Upon the fore Shoulder of the Lyon and of the Unicorn, & at the foot of the Flying Horse in the King's Arms, there is a Speck or Dot in the Counterfeit, but not in the true.

4. The Letter I. in [This Indented] is not like the I. there, in the true Bill.

5. And part of the Letter P. in [Payments] is below the Line in the Counterfeits, whereas it comes no lower than the Line in the true Bill.

This Discovery alone will enable you, by Proclamation, to advertise the Publick, & prevent the Circulating these Counterfeits; but my aim is, that by prudent Managem^t & Secrecy, Jenkins & Long, (after they have been once or twice together) & have added the suppos'd Names of the Signers, may be detected & punished, as their high and injurious Offence deserves, and to deterr Others.

For otherwise, You may have the whole Currency of yo^r Province & Countys counterfeited.

If I can, before the Ships go, get any further Lights by Ilive, you may expect an Acco^t thereof, in a subsequent Letter.

And by Application to the Gov^r of New Jersey, Each Province may be able to save the Other, & help to bring these Men to Justice.

I wish I had been the only Person to whom the Secret had been communicated, I wou'd then have answered for its being kept so, but I fear the other Person to whom it was communicated, has not enough considered the Consequence of keeping the Matter quite private.

I have not, at present, any thing more to inform you of, but remain, with very great Respect,

Sir,

Your most Obe^t, h^{ble} Serv^t,

FRED. JOHN PARIS.

Directed—To the Honourable George Thomas, Esq^r, Lieutenant Governor & Commander in Chief in his Majesty's Province of Pennsylvania, &c., &c., &c.

* Probably the one now in the Secry's. Office, see pp. 578–581.

DEPOSITION OF SAPIENCE HARRIS, 1739-40.

Newcastle Co^{ty}, ss :

The Deposition of Sapience Harris, of Appoq^k Hundred, & Co^{ty} af^a, aged above Sixty Years, being Solemnly Sworn on the Holy Evangils of Almighty God, Deposeth & Sayeth,

That above Twenty Seven Years ago he was present & on the Land whereon Thomas & Jarrad Rothwell now Dwell, & saw George Dakeyne, then Surv^r of Newcastle County, in Resurveying the af^a Land for one John Cowgill, run the Westernmost bounds of the s^d Land, w^{ch} line then run he this Depon^t has known ever since, & this day Shewn the same to Andrew Peterson & Thomas Noxon, whereby it appears that a Settlement lately made by one Augustine Noland, as Tenant to one Mr James Paul Heath, of Maryl^a, is a considerable distance to the East of the aboves^d Westernmost line of the Land now held by the af^a Thomas & Jarrad Rothwell, & w^{ch} s^d Land he this Depon^t has known to be reputed part of the County of New Castle ever since the resurvey above mentioned, And for a further acc^t ab^t the s^d Land, this Depon^t Refers to a Deposition heretofore by him made before Thomas Noxon abovemention'd, at the instance of Thomas & Jarrad Rothwell af^a.

And this Depon^t further Sayeth, that the af^a George Dakeyne begun at a Corner White Oak tree standing on the North side of a Branch of Appoq^k Creek called Sassifras Branch, & run thence by a fair, well marked line, to the Northward, to a Corner Black Oak now shewn as af^a, & w^{ch} af^a Land this Depon^t then understood the af^a John Cowgill had bought of one Francis Cook, & further this Depon^t Sayeth not.

his
SAPIENCE X HARRIS.
mark.

Sworn this 15th day of March, An^o Domⁱ 1739,

Before us,

ANDW. PETERSON,

THO. NOXON.

Indorsed.

Sapience Harris's Deposition, 15 March, 1739.

New Castle Co^{ty}, ss.

THE DEPOSITION OF THOMAS ROTHWELL, Sen^r, of Appoq^k Hundred & County af^a, yeom, aged about Fifty Seven years, being Solemnly Sworn on the Holy Evangils of Almighty God Deposeth & Sayeth :

That in the year of our Lord God, One Thousand Seven Hundred & Thirteen, about or in the month of September, He, this Depon^t

was about buying the Tract of Land whereon his Sons Thomas & Jarred now dwells, of one John Cowgill, comonly known by the name of Cooke's Land, & abt the same time John Cowgill, shewed this Depon^t the Bounds thereof, & he, this Depon^t very well remembers the Westermost bounds was then shewn him by the s^d Cowgill, from a Corner white Oak, standing at the North side of a Branch of Appoq^k Creek, called Sassifras Branch, & running thence Northward, by a plain line of marked trees to a Corner Black Oak, as by him this day shewn to Andrew Peterson & Thomas Noxon, whereby it appears that a Settlement made by one Augustine Nowland, lately as Tenant to one Mr. James Paul Heath, of Maryland, is a considerable distance to the Eastward of the af^a line, as well as the place whereon one James Poor lives, & part of the plantaⁿ or Settlem^t, whereon one Mathew Dunahow, now lives, under the af^a Mr. Heath.

And this Depon^t further sayeth, that he bot the s^d Land abt the above mentioned time, & lived on the same about Two years as an Inhabitant of New Castle Co^{ty} af^a, & that the same Land has been Esteemed so ever since, by the officers of the s^d County, and for a more particular acct, this depon^t referrs to a fuller Deposition by him made heretofore, before the above s^d Thomas Noxon, at the instance of the af^a Thomas & Jarred Rothwell, & further this Depon^t Sayeth not.

T. ROTHWELL.

Sworn this 15th day of March,
An^o Dom^o, 1739, before us,

AND^w PETERSON.
THO. NOXON.

Indorsed.—Thomas Rothwell, Sen^s, Deposition. 15th March, 1739.

New Castle Co^{ty}, ss.

THE DEPOSITION OF WILLIAM WILLIAMS, Constable of Appoq^k Hundred & Co^{ty} af^a, aged about thirty two years, being of good faith & worthy of Credit, & sworn on the Holy Evangils of Almighty God, Deposeth & Sayeth:

That by Virtue of a War^t of Attachm^t to him as Constable directed, by And^w Peterson, Esq^r., one of his Maj^{ties} Justice of the Peace, for the af^a County, bearing date the twenty fifth day of January last past, He did on the twenty Sixth Day of the s^d month go in Comp^a with Jarred Rothwell, Henry Packard & Jacob King, on the Land claimed by Thomas & Jarred Rothwell, and whereon they

dwelt in the af^d Co^{ty} of New Castle, & into a Field sowed with Wheat by one Augustine Noland, on part of the af^d Land, & claimed as af^d, and that he, this depon^t, did there at the Instance of Jarred Rothwell af^d, attach the s^d Wheat. After they had been in a Tob^o House, w^h had no doors to it, & was open, but attached nothing therein. And this depon^t further Sayeth, that with the af^d Jarred, Henry & Jacob, & one Mathew Dunahoe, who there met with them, they went to the House which had neither Lock nor Latch, wherein the s^d Noland used to live, and some of the Comp^a pushed against the Door, w^h opened a little wth ease, whereupon Henry Packard af^d, put his arm in the Door, & removed an old Bench from the Door, & went with all the af^d persons into the s^d House, but Attached nothing in the s^d house, or removed any thing thence, & soon after left the House, & the af^d Henry, shutt the Door in the same manner they found it.

And this Depon^t further Sayeth, that to his Knowledge, the af^d Augustine Noland, as well as one James Poor's Settlem^t, & part of the Settlem^t of Mathew Dunahoe, was made forcible by them within the bounds of the Land claimed by the af^d Thomas & Jarred Rothwell, w^h this Depon^t understood, & believes to be part of New Castle County, & further this Depon^t Sayeth not.

WM. WILLIAMS.

Sworn to this 15th March, Anno

Dom^o, 1739, before us,

AND^w PETERSON.

THO. NOXON.

Indorsed.—W^m Williams Deposition. 15th March, 1739.

JUSTICES OF NEW CASTLE TO GOV. T., 1739-40.

May it Please your Hon^r:

Pursuant to your Orders Transmitted us by Mr. James Steel, we have Enquired into the affair Complained of by the Gov^r of Maryl^a, to your Hon^r, Founded on the Oath of one Mathew Donahoe, against a Constable of this County & others, in Executing a War^t of Attachm^t, w^h appears to us as follows: Among many Tenants settled by Mr. James Paul Heath, of Maryl^a, in a String on our Borders, & within lines of the Lands long since, and still reputed with us to lay in this County, there was one Augustine Noland, a Loose, Idle Fellow, who forcible Settled himself about Two Years ago, within the well known lines of a Tract of Land sold by Mr. James Steel, to Thomas & Jarred Rothwell, w^h was taken up in the year 1686, as appears to us by a Copy of the Cert^e of the return of Survey, made into the Surv^r Gen^{rls} Office, & since that time this Land has been held in this County. This A. Noland, lately run

away, & among other persons, was indebted to Jarred Rothwell, of this Co^{ty}, who obtained a War^t of Attachm^t against his Effects, w^h was served by the Constable in the manner by him declared on Oath, w^h we herewith send your Hon^r, together with the Depositions of Sapience Harris & Thomas Rothwell, whereby, your Hon^{rs} may perceive the Settlem^t of Noland, was within the lines claimed in this County, w^h will more fully appear by y^r Hon^{rs} having Reference to some depositions deliver^d you by Thomas Rothwell, with his Petition some time since. On Examining the Constable, and the persons that were wth him at serving the War^t of Attachm^t, (who are all of good Fame and Credit with us,) we find them all positively deny great part of Mathew Donahoe's Deposition to be true, & are ready to point out the Falsities on Oath if required, at the same time they seen very Frankly to give a fair acct of that Transaction. Those Objections put us upon Enquiring Mathew Donahoe's Character, w^h we find to be very mean, & as farr as we can Judge, ought to have very little weight.

This Tract of Land we find to be already very much Sunk in value to the *present Claimers* by too or three Settlem^{ts} being made within the lines, in the best of the Land, & they have even taken some of Tho^s Rothwell, jun^{rs}, cleared Land, within their fences, very near to his House. If those Encroachm^{ts} are not speedily prevented, the Owners of this Tract will be wholly Disabled from making any Commodious or Valuable Settlem^{ts}; its otherwise a very good Tract of Land. As one of us Expects to be very soon at Philad^a, your Hon^r may then receive a more minute Acc^t of this Affair, & in the mean time, we Conclude

Your Hon^{rs} Obedient

Humble Servants,

AND'W PETERSON.
THO. NOXON.

New Castle County,
March the 15th, 1739-40.

To the Honble George Thomas, Esq., Gov^r.

Indorsed.—Justices Letter about the Compt made by Gov^r Ogle on a writt executed in N. Castle County.

WHITEHALL, April 5th, 1740.

Sir:

I acquainted you by my Letter of January the 5th, with His Majesty's Instructions, to send from hence a large Body of Forces under the Command of my Lord Cathcart, in order to make an attempt upon some of the most considerable of the Spanish Settlements in the West Indies; which are to be joined by such a number of Troops, as may be raised in His Majesty's Colonies and Islands in America; and at the same Time, I sent you His Majesty's Directions to be making the necessary Dispositions, in order to facilitate, as soon as possible, the raising the Troops within your Government; and I informed you, that Col^o Blakeney, who is appointed Adjutant General in this Expedition, would set out from hence, as soon as possible, with the King's more particular Instructions and Directions to you, and the other Governors in America, relating to this matter: And His Majesty doubts not, but that, in consequence of these Orders, you will have taken the necessary Steps to get the Troops in as much Forwardness as possible.

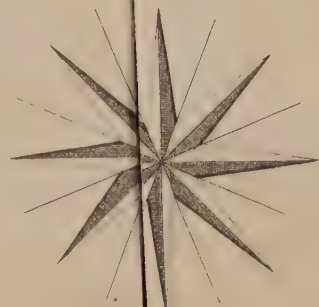
I now send you inclosed His Majesty's Instructions, under His Royal Sign Manual, containing particular Directions for your Conduct in everything relating to the Performance of this Service, which are so full, that they leave me nothing to add, but to recommend to you the utmost Care and Diligence in the Execution of His Majesty's Orders, and particularly in procuring as great a number of men, as you possibly can, to enlist, which by the great Encouragement, which (you will see by your Instructions) His Majesty has thought fit to give to such Persons as shall enter into His Service on this Occasion, It is hoped may be easily done. You will see that Col^o. Blakeney carries with him from hence only Three Thousand Arms; you will not, however, limit the number of men to be raised within your Government, in proportion to that number of arms; since my Lord Cathcart will carry with him a Quantity of Spare Arms and Clothing, in case it should be practicable to raise a greater number than the Three Thousand, for which Col^o. Blakeney carries with him Arms, and Money for their Subsistence.

As you cannot but be sensible of the great Importance of this Service, and how much the Honour of His Majesty's Crowns, and the Interest of His Subjects (especially Those in America) are concerned in the success of this Expedition, I am persuaded you will omit nothing, on your part, that may contribute thereto, by doing all that lies in your Power to promote the Leys, as soon, & as effectually, as may be, in which you will judge from the advanced Season, There is no Time to be lost; and you may be assured, that your Zeal, in the Execution of the King's Orders, on this Occasion, will be very graciously accepted by His Majesty.

Major General Spotswood, whom His Majesty has been pleased

Part of Maryland
A true North line by Articles of Agreement made between the Proprietaries in the year 1732

to be run to the middle of the Peninsula between Cape Henlopen & Chesapeake Bay



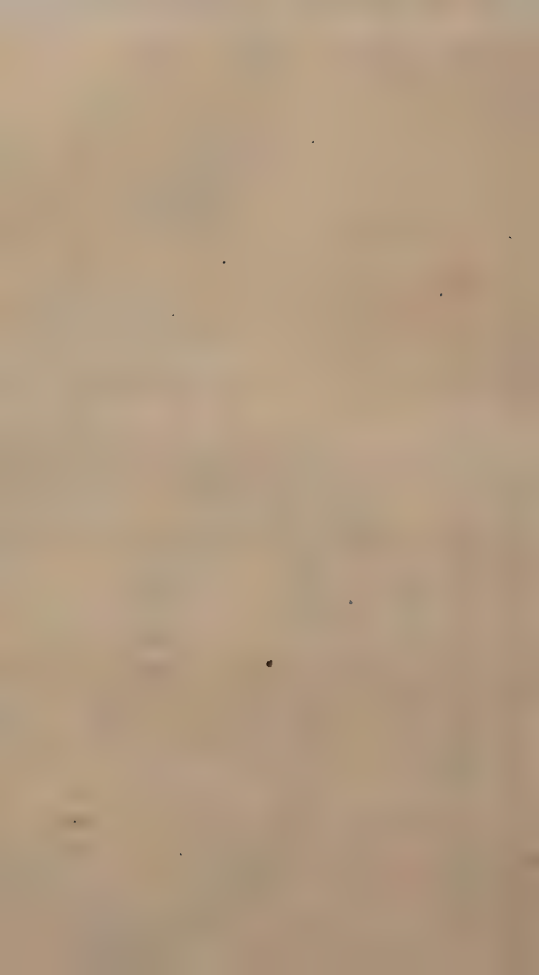
OCEAN
DELAWARE BAY
JERSEY

(T. Map)
Showing the temporary limits of the Pennsylvania lands of the Province of Pennsylvania and of the Province of New Jersey in Delaware in 1739
According to an Order of the Proprietors of the Province of Pennsylvania and of the Province of New Jersey in 1739
Signed the 25th day of May in the year 1739
Proprietors of the Province of Pennsylvania and of the Province of New Jersey

PART OF MARYLAND

PART OF PENNSYLVANIA





to appoint Quarter Master General in this Expedition, and Colonel of the Troops to be raised in America, will receive His Majesty's Directions to sail with such a number of the said Troops as He can get together, so as to be at the place appointed for the General Rendezvous by the latter end of August, or the Beginning of September next; and He will leave Directions with proper persons to follow him with the rest of the Troops, as they shall be raised.

And if you should find Difficulty in raising the men within your Government by the methods that may occur to you for that purpose, It is His Majesty's Pleasure that you should, in that Case, permit Major General Spotswood, Coll^o Blakeney, or any Persons appointed by them, to beat up for Volunteers, and that you should, to the utmost of your Power, assist them in it.

I heartily wish you success in the Execution of His Majesty's Orders and am

Sir,

Your most humble Servant,
HOLLES NEWCASTLE.*

Endorsed—Rec^d 25th June, 1740, from His Grace, the Duke of Newcastle.

DOCUMENTS RESPECTING A TEMPORARY LINE BETWEEN PENN'A AND MARYLAND.

By a reference to Colonial Records, Vol. iv., p. 313, it appears that Commissioners were appointed in 1738 by Pennsylvania and Maryland, to run "provisional and temporary limits" according to "his majesty's order in Council of 25th of May, 1708." In 1754, an authenticated copy of the papers, relative to this transaction, were received from England, attached together, and accompanied with a handsomely drawn and coloured map on parchment. (See the lithographed copy of it reduced to half the size of the original.) These papers now follow in the order in which they are attached together. We have numbered them 1 to 10, beginning with the

Certificate of the Lord Mayor of London, 1754.†

To all to whom those Presents shall come: I Thomas Rawlinson, Esq., Lord Mayor of the city of London, do hereby Certify, That on the day of the date hereof, personally came and appeared before me, William Peters, at present in the city of London, gentleman, but intending soon on a Voyage for the Province of Pennsylvania, in America, and Thomas Jefferies, of the city of Westminster, in the county of Mid-

* See Colon. Rec. Vol. IV. p. 428-30.

† Considerably mutilated.

dlesex, Engraver and Geographer, being persons well known and worthy of good credit, and did by solemn Oath which they took upon the Holy Evangelists of Almighty God declare, testify, and depose to be true, the several and things contained in their Affidavit here

IN FAITH and Testimony Lord Mayor, have caused the seal of the Office of Mayoralty of the said city of London, to be hereunto put and affixed, and the copies of the Map or Plan and Paper Book, mentioned in the said Affidavit, to be [L. S.] also hereunto annexed. Dated in London, the Third day of April, in the twenty-seventh Year of the Reign of our Sovereign, Lord George the Second, by the Grace of God, King of Great Britain, France and Ireland, Defender of the Faith, and in the Year of Our Lord, One thousand seven hundred and fifty-four.

MAN.

No. 2.

CERTIFICATE OF WM. PETERS AND THOMAS JEFFERYS.

William Peters, at present in the city of London, Gentleman, but intending soon on a Voyage for the Province of Pennsylvania, in America, and Thomas Jefferies, of the city of Westminster, in the county of Middlesex, Engraver & Geographer, do severally make Oath, Each of the said Deponents speaking for himself only, and not the One for the other of them; And first, this Deponent, Willam Peters, for himself sayeth, that he, for about fourteen years together, namely, from the year one thousand seven hundred & thirty & nine, to the year one Thousand seven hundred and fifty and three, (Part of Each of the said Years included,) lived, and resided, in the said Province of Pennsylvania, and was, and is, well and intimately acquainted with the Great Seal of the said Province, and also with many persons living there, and likewise with many publick and..... considerable transactions, which have happened in the said Province of Pennsylvania, and relating to or between that Province and the other Province adjoining thereto, called Maryland; and this Deponent, William Peters, further sayeth, that he hath often heard, and been credibly informed, and doth believe to be true, that, by a certain Order of his present Majesty, in Council, bearing date the twenty-fifth of May, One Thousand seven hundred thirty and eight, some temporary limit or limits, for the exercise of Jurisdiction within the said respective Provinces of Pennsylvania and Maryland, was, or were ordered or directed to be fixed, or run, or marked out, and were afterwards, in or about the Year One Thousand seven hundred thirty and nine, in consequence of the said order, fixed, or run. or

marked out by certain Commissioners and Surveyors appointed for that purpose, and that an original Map, or Plan, or Survey, was made by Benjamin Eastburn, Esquire, of Pennsylvania, Surveyor, of part of the said Province of Pennsylvania, and of the countys of New Castle, Kent and Sussex on Delaware, in order to show such the Temorary Limits of the Jurisdications of Pennsylvania and Maryland. And this Deponent, William Peters, further sayeth, that the Map or Plan, and Paper Book, unto this present Affidavit annexed, are true and exact copys, as this Deponent, William Peters, verily believes, of a certain map or Plan, and Paper Book, under the great Seal of the said Province of Pennsylvania, produced to this Deponent, William Peters, and to his fellow Witness at the time of their swearing to this affidavit, with which this Deponent, William Peters, very carefully and diligently examined and compared the said hereunto annexed copy. And that the said map or Plan and Paper Book, so under the before mentioned great Seal, as aforesaid, and so produced to this Deponent and his fellow Witness, as aforesaid, doth appear to this Deponent, William Peters, to be; and he doth verily believe the same is and are, a true, genuine and authentic map, or plan, and book, touching or concerning the running or marking out, or fixing the before mentioned temporary Limits for the respective Jurisdications of the said Provinces of Pennsylvania and Maryland. And this Deponent, William Peters, hath many Reasons for believing the same so to be; as namely, for that the same produced map, or Plan and Book, are both duly authenticated under the great Seal of the said Province of Pennsylvania, and for that the said produced map or Plan, so under the said Great Seal, and the writing thereon, doth appear to this Deponent, William Peters, to be; and this Deponent, William Peters, assuredly believes the same is, and are of the Hand writing of the said Benjamin Eastburn, with the manner and character of whose Hand writing this Deponent is very well acquainted, having often seen him write, and (as this Deponent verily believes,) draw maps or plans. And this Deponent, William Peters, further sayeth, That the Body of the Testimonial, contained in the first page of the Paper Book, so under Seal, and so produced to this Deponent and his fellow Witness as aforesaid, is, as this Deponent verily believes, of the Hand writing of Richard Peters, Esquire, Secretary of the said Province of Pennsylvania, who is this Deponent, William Peter's Brother, and with the manner and character of whose Hand writing, this deponent, William Peters, is very well acquainted, having often seen him writë; and further, sayeth, that the Name Geo. Thomas, sett or subscribed at the foot of the said Testimonial, is, as this deponent, William Peters, verily believes, of the proper Hand writing of George Thomas, Esquire, who was, in the month of April, One thousand seven hundred and forty, Lieutenant Governor, and Commander in Chief of the said Province of Pennsylvania, and the three lower counties of New Castle, Kent and Sussex, on Delaware, with whose character and manner of Hand writing this depo-

nent was, and is very well acquainted, having often seen him write and sign his Name. And this Deponent, William Peters, further sayeth, that the general parts, or Body of the Report, dated Philadelphia, 24th April, 1740, and contained in the third page of the said Paper Book, so under Seal, and so produced to this Deponent, as aforesaid, (Except the last Eight Words of Compliment concluding the said Report, and except the date of the same Report,) are, as this deponent, William Peters, verily believes, of the proper Hand writing of John Callahan, then of the said Province of Pennsylvania, and clerk to the said Richard Peters, (but since deceased,) with whose character and manner of Hand writing, this Deponent, William Peters, is very well acquainted, having often seen him write. And this deponent, William Peters, further sayeth, That the Eight last concluding words of the said Report, and the date of the said Report, are, as this Deponent verily believes, of the Hand writing of the said Richard, Peters, this deponent's said Brother. And this deponent, William Peters further sayeth, That the several and respective Names, Lawrence Growdon, Richard Peters, subscribed at the foot of the said Report, were, and are, as this Deponent William Peters verily believes, of the several and respective Hand writing of Lawrence Growdon, of the said Province of Pennsylvania, Esquire, and of the said Richard Peters, this Deponent's said Brother, This Deponent having often seen Each of them, the said Lawrence Growdon, and Richard Peters, write, and subscribe their Names, and being very well acquainted with the manner and character of Each of their Hand writing. And this Deponent, William Peters, further sayeth, That the General Body of the Paper Writings, copyed in the Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, Eleventh, Twelfth and Thirteenth pages of the said Paper Book, so under Seal, and so produced to this deponent and his Fellow Witness, as aforesaid, and purporting to be copy of the Commissions, and Commissioner's Minute Book of Proceedings, therein mentioned, are, all of them, as this deponent verily believes, of the proper Hand writing of the before named John Callahan. And this Deponent, William Peters, further sayeth, That the General Body of the Paper Writings, copyed in the Fifteenth, Sixteenth and Seventeenth pages of the said paper Book, so under Seal, and so produced to this Deponent, and his Fellow Witness, as aforesaid, and purporting to be a copy of a Commission, bearing date the 1st day of May, 1739, and of a Report bearing date, Philadelphia, 28th May 1739, and also of another Report, bearing date, April the 24th, 1740, are, as this Deponent, William Peters, verily believes, of the proper Hand writing of the said Benjamin Eastburn; and that the three several respective Names, Lawrence Growdon, Richard Peters, Benjⁿ Eastburn, sett and subscribed in the said Sixteenth page, at the foot of the said Report, dated Philadelphia, 28th May, 1739, were and are as this Deponent verily believes, of the several and respective proper Hand writings of the said Lawrence Growdon, Richard Peters and Benja-

min Eastburn; and that the Name Benja^a Eastburn, sett and subscribed in the said Seventeenth page, at the foot of the said other Report, dated Philadelphia, April y^e 24th, 1740, was and is, as this Deponent verily believes, of the proper Hand writing of the said Benjamin Eastburn. And this Deponent, William Peters, further sayeth, That from all the several particulars, herein before set forth, and from this Deponents Remembrance of some parts of the said Transaction, and his being privy to, and acquainted with, some parts of the said Transaction, at the time when the same passed and happened, this Deponent doth verily believe, that the said Map or Plan, and the said Paper Book, so under Seal as aforesaid, and so produced to this Deponent and his Fellow Witness, at the time of their swearing to this affidavit as aforesaid, (and of which map, or plan and paper book, a true copy is annexed to this present Affidavit,) is a true, authentic, and genuine Map, or Plan and paper Book, relating to the temporary Limits fixed for the exercise of Jurisdiction within the said respective Provinces of Pennsylvania and Maryland, in Obedience to his Majesty's before mentioned Order in Council. And this Deponent Thomas Jefferies, for himself, sayeth, that the copy of the before mentioned Map or Plan, which is annexed unto this present affidavit, was made by this deponent, and under his inspection and direction, with great care and exactness, from the Map or Plan so under Seal as aforesaid, and so produced to the other Deponent, William Peters, and unto this Deponent also, at this, the time of their swearing to this present Affidavit, and is, according to this Deponent's best Judgment, skill and examination, a true and exact copy of the said Map or Plan, so under Seal as aforesaid.

WM. PETERS.

THOS. JEFFERYS,

Both sworn the third Day of April, 1754,
before me, at the Mansion House, London.

THO. RAWLINSON, Mayor.

No. 3.

DEPOSITION OF L. GROWDON AND BENJ. EASTBURN.

George Thomas, Esq., Lieutenant-Governour and Commander in Chief of the Province of Pennsylvania and the Three Counties of Newcastle, Kent and Sussex, on Delaware.

To all to whom these Presents shall come Greeting :

Know Ye that this Day Lawrence Growdon and Richard Peters, Esq^{rs}., Commissioners, and Benjamin Eastburn, Esq^r., Surveyor, appointed by two Commissions under the Great Seal of this Province, to run, mark and lay out the Provisional and Temporary

Limits between Pennsylvania and Maryland, in pursuance of His Majesty's Order, in Council, of the 25th of May, 1738, personally appeared before me, and the said Lawrence Growdon and Benjamin Eastburn, being Quakers, on their solemn Affirmations, and the said Richard Peters being Sworn on the holy Evangelists, did severally declare and say that the several Reports which are hereunto annexed are in all and every part of them true, and contain the whole of what was done by them in the execution of the said two Commissions, and the said Lawrence Growdon, on his said Affirmation, and the said Richard Peters, on his said Oath, did further declare and say that the Transcript purporting to be the Copy of the Commission and Commissioners Minute Book of their proceedings, in obedience to and execution of the said Commission in their Report mentioned and referred to, has been examined by them with the Original, now remaining in their Custody, and is a true and exact Copy of the same. And the said Benjamin Eastburn, on his said Affirmation, did further say that the Map hereunto annexed is, to the best of his Skill and Judgment, a true and impartial Representation of the several Lines run by virtue of and in obedience to the said Commissions.

In Testimony whereof I have caused the Great Seal of this Province to be hereunto affixed, at Philadelphia, this Thirtieth Day of April in the Thirteenth Year of the Reign of [L. s.] our Sovereign Lord George the Second, by the Grace of God, King of Great Britain, France and Ireland, Defender of the Faith and soforth, and of our Lord Christ, One thousand seven hundred and forty.

GEO. THOMAS.

REPORT OF COMMISSIONERS.

No. 4.

To the Honourable George Thomas, Esquire, Lieutenant-Governor and Commander-in-Chief of the Province of Pennsylvania and the three Counties of Newcastle, Kent & Sussex, on Delaware.

The Report of Lawrence Growdon and Richard Peters, Commissioners appointed, by virtue of your Commission, bearing date at Philadelphia, the fifth Day of December, in the year 1738, to join Colonel Levin Gale and Mr. Samuel Chamberlaine, Commissioners on the part of Maryland, for the running, marking and laying out the Provisional and Temporary Limits between the two Provinces of Pennsylvania and Maryland, agreeable to his Majesty's Order, in Council of the 25th of May, 1738.

We, your said Commissioners, do humbly Report, that on the Day of the Date of your Honour's Commission, we met the said

Mr. Gale and Mr. Chamberlaine at Philadelphia, and having produced the same to them, we immediately conferred together in what manner we might best execute the Trust respectively reposed in us, and unanimously agreed that each Set of Commissioners should provide themselves with a fair Paper Book, and that a Copy of the said Commission then produced and all the proceedings of the said Commissioners, should, at the close of each Days Work, or so soon after as might be done with convenience, be fairly & regularly entered therein, and signed, by all the Commissioners; and accordingly two Books were provided, and after incerting a Copy of the said Commission, all our proceedings, in the execution of our respective Powers, were regularly entered therein and signed by the Commissioners on both sides, from time to time, as they were transacted, & at our parting, the several Entries were examined, and the two Books being found to agree exactly, one of them was delivered to Levin Gale and Samuel Chamberlaine, on the part of Maryland, and the other, to us, the Subscribers, on the part of Pennsylvania, which is still remaining in our Custody, ready to be produced, as your Honour shall direct; and, as the same contains the whole of what was done in conjunction with those two Gentlemen, we humbly apprehend no more can be expected from us, than to transcribe a true and exact Copy of that Rook, which we have here done, and are, with all dutiful Submission,

Your Honour's

Most obedient and

most dutiful Servants,

LAWRENCE GROWDON.

RICHARD PETERS.

Philadelphia.

24th April 1740.

No. 5.

Here follows the Copy of the Commission and Commissioners Minute Book, of their proceedings in obedience to an execution of the said Commission, in the preceding Report mentioned and referred to, viz:

A Copy of the Honourable, the Governor of Pennsylvania, his Commission to Lawrence Growdon and Richard Peters, on the part of Pennsylvania, to join Levin Gale and Samuel Chamberlaine, Commissioners on the part of Maryland, for running Temporary Lines between the two Provinces.

By the Honourable George Thomas, Esquire, Lieutenant-Governor and Commander-in-Chief of the Province of Pennsylvania and the three Counties of Newcastle, Kent and Sussex, on Delaware.

Whereas, Samuel Ogle, Esquire, Lieutenant-Governor and Commander-in-Chief of the Province of Maryland, hath signified to me by a Letter of the 26th of November last, that in obedience to his Majesties Order, in Council, of the 25th of May, 1738, he hath appointed Col. Levin Gale and Mr. Samuel Chamberlaine to run the Lines directed by that Order, to be Provisional and Temporary Limits between the two Provinces, until the Boundaries shall be finally settled, and the said Levin Gale and Samuel Chamberlaine have signified to me that they do intend to make a beginning on that Work on the Afternoon of the fifth of this Instant December. I do hereby authorise and impower you, Lawrence Growdon and Richard Peters, Esquires, as Commissioners, and Benjamin Eastburn, Esquire, as Surveyor, to join the said Col^o. Levin Gale and Mr. Samuel Chamberlaine to run, mark, distinguish and lay out the Temporary Lines, Limits and Bounds aforesaid, agreeable to His Majesties said Order; And I do hereby strictly charge and command all Magistrates, Sheriffs and other Officers within my Government, to be aiding and assisting and to give all due Countenance to the Execution of his Majesties Commands in the premises. Given under my Hand and the Great Seal of the Province of Pennsylvania, the fifth Day of December, 1738, in the Twelfth Year of the Reign of our Sovereign Lord, George the Second, over Great Britain, France and Ireland, King and soforth.

[L. s.]

GEORGE THOMAS.

No. 6.

MINUTE OF THE COMMISSIONERS, 1739.

Be it Remembered, that Levin Gale and Samuel Chamberlaine, Commissioners on the part of Maryland, and Lawrence Growdon and Richard Peters, Commissioners on the part of Pennsylvania, for running the Lines directed by His Majesties Order, in Council, of the 25th of May, 1738, to be Provisional & Temporary Limits between the two Provinces, met on Society Hill in the Afternoon of the fifth Instant, attended by the Mayor, several Aldermen and some of the principal Gentlemen of Philadelphia, when the most Southern part of the City was ascertained, to the Satisfaction of the Commissioners, on both sides, by the Declarations of the Mayor and Aldermen, by the Original Draft of the City, by the Situation of the Dock and other natural Marks, and by the Testimonies of several Ancient Inhabitants, all concurring in this, that a certain Post then shewed the Commissioners stood in the most Southern part of the City. Then the Commissioners adjourned to the House of John Postlethwaite, where it was unanimously agreed to settle the Variation of the Compass by fixing a Meridian Line by an observation to be made when the Pole Star above the Pole and the first Star

in the Tail of the great Bear under the Pole shou'd be in the same vertical Circle, or in a perpendicular Line, one above the other: But the cloudiness and foulness of the Weather preventing an observation 'til the Eighth in the Evening a Meridian Line was then carefully fixed according to the Rule aforesaid, and being tried by a Theodolite in the possession of Benjamin Eastburn, the Variation was found by it to be five Degrees and twenty-five Minutes, And by a Circumferentor in the Custody of John Warner, one of the Surveyors on the part of Maryland, the variation appeared by that Instrument to be five Degrees and thirty Minutes, with which Observation the Commissioners on both sides were well satisfied, and agreed to run the Line accordingly the next Day; but it proving very Snowy, they were obliged to adjourn to the Eleventh, on which Day, in the afternoon, they met at the Post before mentioned attended with their Surveyors, and making that Post the Place of Beginning—the Surveyors set the Theodolite (by which the variation was settled) to every ones satisfaction and allowing a Westerly variation of five Degrees and twenty-five Minutes, the Line was run to a fence belonging to Israel Pemberton, about two Miles from the place of Beginning, when Night coming on, it was agreed to meet the next morning, in order to proceed, but the Weather proved so bad and there had fallen so large a quantity of Snow and Rain that it was become impracticable in so advanced a Season to proceed any considerable length with the Line, wherefore it was unanimously agreed to adjourn and meet again at Philadelphia on the fifth Day of April next, and to continue the Line so begun from the Fence where the Surveyors left off and on which they had made sufficient Marks so as to know the place again.

The above is a true Minute of our proceedings as Witness our hands, this twelfth Day of December, 1738.

[L. S.]	LAWRENCE GROWDON, RICHARD PETERS,	LEVIN GALE, SAMUEL CHAMBERLAINE.
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No. 7.

April 5th, 1739.

The Commissioners met at Philadelphia, according to adjournment, and Col. Gale produced the Governor of the Province of Maryland his Commission under the Great Seal of the said Province of which the following is a true Copy.

Samuel Ogle, Esqr., Lieutenant-Governor and Commander-in-Chief in and over the Province of Maryland.

To the Honourable Levin Gale, Esqr., & Samuel Chamberlaine, Esqr., Greeting:

Whereas, I have heretofore appointed you the said Levin Gale

and Samuel Chamberlaine to run such Lines and Courses as may be necessary to settle and ascertain the Temporary Limits of the Provinces of Maryland and Pennsylvania, in obedience to his most sacred Majesty's gracious Order, in Council, of the Twenty-fifth Day of May last past, and by my Letter to the Honourble George Thomas, Esqr., Governor of Pennsylvania, signified such, your appointment. And Whereas, you the said Levin Gale and Samuel Chamberlaine have already, by virtue of your appointment and in execution of the Trust in you reposed, entered into some Terms or Agreement for the running, settling and ascertaining the said Temporary Limits with the Persons appointed by the Governor of Pennsylvania, for that purpose, and have begun to run some of the Lines and Courses relating thereto. Now Know Ye that in confor-

[Samuel Ogle.] mity to my said Letter and in regard the Governor of Pennsylvania, has thought proper to authorise Persons by Commission, under the Great Seal of that Province, I have authorized and impowered, and by these Presents do authorise and empower you, the said Levin Gale and Samuel Chamberlaine, to proceed to the running of any Line or Lines by you already begun, and to run all other Lines which may be necessary to ascertain and settle the Temporary Limits of the said Provinces, in obedience to His Majesties said order in Council, and also to distinguish such Lines and Courses by marking Trees, or otherwise as you shall think proper. In Testimony whereof I have hereunto set my Hand and caused the Great Seal of this Province of Maryland to be affixed, this Second Day of April, in the Twenty-fourth year of his Lordships Dominion, Anno Domini One thousand seven hundred thirty & nine.

Then one of the Commissioners for Pennsylvania, saying he should be obliged to attend the Supreme Court of that Province, part of the next Week, on a trial of great importance to him, and Benjamin Eastburn, being likewise summoned to give Evidence in the said cause. And the Commissioners for Maryland, being desirous to procure a Surveyor from the Jerseys to assist in running the Lines, the Commissioners adjourned til Wednesday the the 11th instant.

LAWRENCE GROWDON,
RICHARD PETERS,

LEVIN GALE,
SAMUEL CHAMBERLAINE.

MINUTES OF THE COMMISSIONERS, 1739.

Wednesday, 11th April, 1730.

The Commissioners met at Philadelphia, and agreed that before they proceeded to run the Lines for which they were appointed, all the Surveyors and Chain Carriers to be employed in that service, should be qualified by oath; or, if Quakers, by affirmation to

act justly and impartially in the several services that should be enjoined them to do in relation thereto, and adjourned till the next day.

LAWRENCE GROWDON,
RICHARD PETERS,

LEVIN GALE,
SAMUEL CHAMBERLAINE.

Thursday, 12th April, 1739.

The Commissioners met on Society Hill, at the post, the place where they, on the Eleventh day of December last, had begun to run a West line with the Theodolite of Mr. Benjamin Eastburn, and tried that Theodolite again by their former sights, and found it to have the very same direction it then had, and its variation no ways changed. They then proceeded to try the difference between that Theodolite and another Theodolite brought up by Mr. William Rumsey, and found that the said Mr. Rumsey's Theodolite with a Needle having a Dart North point varied forty minutes less West than that of Mr. Eastburn's, and that the said Theodolite of Mr. Rumsey, with another Needle that had both its points sharp, varied thirteen points less West than Mr. Eastburn's; and therefore agreed, that the variation of Mr. William Rumsey's Theodolite, with the dart North pointed Needle, was four Degrees, forty-five Minutes West; and that the said Theodolite, with the other Needle before mentioned, had a Westerly variation of five Degrees and twelve Minutes.

After which they proceeded to name Surveyors and Chain Carriers, viz : for Maryland, William Rumsey, John Lad, James Scot, Robert Smith and Robert Gardiner; and for Pennsylvania, Benjamin Eastburn, Samuel Lightfoot, and John Roberts, who were all qualified in the presence of the Commissioners on their Oaths or affirmations, before Andrew Hamilton, Esqr., Justice of the Peace, and Recorder of the city of Philadelphia, to do all such services as should be enjoined them in relation to the running of the Temporary Lines between the two Provinces, justly, faithfully, and impartially, to the best of their knowledge, and then adjourned to the next Day.

LAWRENCE GROWDON,
RICHARD PETERS,

LEVIN GALE,
SAMUEL CHAMBERLAINE.

Friday, 13th.

The Commissioners, with the Surveyors, met at Israel Pemberton's Fence before mentioned, and all parties being satisfied, by the marks that were left on that Fence and on the Trees near it, that that was the place where they left off on the 11th day of December last, the Surveyors proceeded on the Line 'till Evening, and left off in the land of Thomas Worth, in Derby Township.

LAWRENCE GROWDON,
RICHARD PETERS,

LEVIN GALE,
SAMUEL CHAMBERLAINE.

Saturday, 14th.

The Commissioners met, and the Surveyors proceeded on the Line to a Plantation belonging to Samuel Levis, in Springfield Township.

LAWRENCE GROWDON,	LEVIN GALE,
RICHARD PETERS,	SAMUEL CHAMBERLAINE.

Monday 16th.

The Commissioners met, and the Surveyors proceeded on the Line to the Plantation of John Worrall, in Providence Township.

LAWRENCE GROWDEN,	LEVIN GALE,
RICHARD PETERS,	SAMUEL CHAMBERLAINE.

Tuesday, 17th.

The Commissioners met, and the Surveyors proceeded on the Line to Widow Yarnall's Plantation, in Edgmont Township. This day the Surveyors met with several different attractions, and it was concluded to return the next day to the place where the attractions began, and to examine the Line again for the greater certainty.

LAWRENCE GROWDON,	LEVIN GALE,
RICHARD PETERS,	SAMUEL CHAMBERLAINE.

Wednesday, 18th.

This day proving rainy, the Surveyors cou'd not proceed.

LAWRENCE GROWDON,	LEVIN GALE,
RICHARD PETERS,	SAMUEL CHAMBERLAINE.

Thursday, 19th.

The Commissioners met and returned with the Surveyors to beyond the place where the attractions began on Tuesday, & having carefully examined the Line they found it to have been justly run, and then proceeded on it to a Plantation of Jacob in Thornbury Township.

LAWRENCE GROWDON,	LEVIN GALE,
RICHARD PETERS,	SAMUEL CHAMBERLAINE.

Friday, 20th April.

The Commissioners met and thought proper to try the Instruments to see if no accident had altered the variation, and upon a very careful examination, found all the Needles to have the same direction and variation which they had at Philadelphia, as before set forth; and the Surveyors then proceeded on the Line to Joseph Hunt's Plantation, in West Town Township.

LAWRENCE GROWDON,	LEVIN GALE,
RICHARD PETERS,	SAMUEL CHAMBERLAINE.

Saturday 21st.

The Commissioners met, and the Surveyors proceeded on the Line to Abraham Marshal's Land in West Bradford Township.

LAWRENCE GROWDON,
RICHARD PETERS,

LEVIN GALE,
SAMUEL CHAMBERLAINE.

Monday, 23d.

The Commissioners met, and the Surveyors proceeded on the Line to an old field, belonging to John Newlyn, within the Society Land, on or near its North Line, at the distance of about thirty one miles, due West, from the place of beginning, where it was agreed that the Line was now run enough to the West for avoiding the large Waters of Brandywine and Christiana Creeks, and that the Surveyors should begin to set off the South Line, of fifteen miles and a quarter.

Then a dispute arose concerning the manner of measuring the said fifteen miles and a quarter; the Commissioners for Maryland insisting that the said line should be fifteen Statute miles and a quarter, run upon the surface of the Earth, without any allowance for the unevenness thereof, and the Commissioners for Pennsylvania insisting that the said Line of fifteen miles and a quarter should be an horizontal line, that is to say, that the altitudes of the Hills should be taken, and a full and just allowance made for them, and both parties absolutely refusing to run the said line in any other manner than what they proposed; the Commissioners for Maryland declared their Resolution to proceed ex parte, but adjourned till to-morrow for the further consideration of the point in Debate.

LAWRENCE GROWDON,
RICHARD PETERS,

LEVIN GALE,
SAMUEL CHAMBERLAINE.

Tuesday, 24th April, 1739.

The Commissioners in conference took the matter yesterday Debated into their further Consideration, and it being their opinion that a separation of the Commissioners and the running of two different Lines would be attended with all the Evil Consequences for the preventing whereof his Majesty was graciously pleased to grant his Royal Order, Terms were proposed, and it was at last concluded and agreed that the Line should be run on the surface, and that an allowance of twenty five perches should be made for the altitudes of the Hills, and further that the rights of the several Proprietaries to run and measure the fifteen miles and a quarter in any other manner should be saved to them.

After which the Surveyors proceeded to measure the said fifteen miles and a quarter, and having run the Line the length of two Statute miles, left off in the ground of William Wickersham, in East Malboro' Township.

LAWRENCE GROWDON,
RICHARD PETERS,

LEVIN GALE,
SAMUEL CHAMBERLAINE.

Wednesday, 25th April, 1739.

The Commissioners met, and the Surveyors set off the twenty five perches which were yesterday agreed to be allowed for the Altitudes of the Hills, and then proceeded on the South Line to the road leading to Newcastle, over against the Plantation of Hugh Steward, in new Garden Township. This day's work being seven Statute miles and a quarter of a mile, exclusive of the twenty five perches.

LAWRENCE GROWDEN,
RICHARD PETERS,

LEVIN GALE,
SAMUEL CHAMBERLAINE.

Thursday, 26th April, 1739.

The Commissioners met, and the Surveyors proceeded on the South Line and measured six Statute miles more, which, together with the two Statute miles measured on the 24th, and the seven Statute miles and a quarter measured yesterday, compleat the fifteen Statute miles and a quarter, a Stake was therefore drove into the Ground at that place, at the distance of twenty perches from the Road leading to Charles Tenant's Meeting House, in Mill Creek Hundred, Newcastle County.

LAWRENCE GROWDEN,
RICHARD PETERS,

LEVIN GALE,
SAMUEL CHAMBERLAINE.

Friday, 27th April, 1739.

The Commissioners met, and the Surveyors began the West Line at the aforesaid Stake, and proceeded thereon to a Maple Tree on the East side of a Branch of Christiana Creek, in a Tract called the London Company's Tract, in Penn Cader Hundred, Newcastle County.

LAWRENCE GROWDON,
RICHARD PETERS,

LEVIN GALE,
SAMUEL CHAMBERLAINE.

Saturday, 28th April 1739.

The Commissioners met, and the Surveyors proceeded on the West Line to the South side of a Run in a Tract, said to be the London Company's Tract, which was judged to be a proper Place to begin to mark, and accordingly the Commissioners ordered the Surveyors to mark the Trees that fell in the West Line on two sides with four Notches on each side; and likewise ordered the Surveyors to compare the two Theodolites, as they did on Friday, the 20th of this Instant, and in the presence of the said Commissioners they were accordingly tried, and upon a very careful examination, the Needles were found to have the same direction and variation which they had at Philadelphia, as before set forth, whereupon the Surveyors proceeded on the Line to a clear field in the possession of Robert Hawley, in Milford Hundred, Cecil County.

LAWRENCE GROWDON,
RICHARD PETERS,

LEVIN GALE,
SAMUEL CHAMBERLAINE.

Monday, 30th April, 1739.

The Commissioners met, and the Surveyors proceeded on the West Line of the Plantation of Thomas Oldham, in Nottingham Township, Chester County.

LAWRENCE GROWDON,
RICHARD PETERS,

LEVIN GALE,
SAMUEL CHAMBERLAINE,

Tuesday, 1st May, 1739.

The Commissioners met, and the Surveyors proceeded on the West Line, to the North of Jacob Haines's Plantation, in Nottingham Township, Chester County.

LAWRENCE GROWDON,
RICHARD PETERS,

LEVIN GALE,
SAMUEL CHAMBERLAINE.

Wednesday, 2^d May, 1739.

The Commissioners met, and the Surveyors proceeded on the West Line to a Field in the possession of John Moore.

LAWRENCE GROWDON,
RICHARD PETERS,

LEVIN GALE,
SAMUEL CHAMBERLAINE.

Thursday, 3^d May, 1739.

The Commissioners met, and the Surveyors proceeded on the West Line to a Road side, in the Barrens near Widow Finnys.

LAWRENCE GROWDON,
RICHARD PETERS,

LEVIN GALE,
SAMUEL CHAMBERLAINE.

Friday, 4th May, 1739.

The Commissioners met, and the Surveyors proceeded on the West Line to a Field in the possession of Robert Patterson, at the distance of about a Mile and a half from the River Susquehannah, and on Information that there was no place on the Western side of that River, but what would give great difficulty to the Surveyors in measuring the half Mile North, it was judged proper to set it off, and measure it at this place, that there might be no delay to the Work on that Account, and accordingly the Surveyors set off and measured one hundred and sixty perches due North, and then turned a due West Line, and proceeded thereon to the distance of about a Quarter of a Mile from the River Susquehannah.

LAWRENCE GROWDON,
RICHARD PETERS,

LEVIN GALE,
SAMUEL CHAMBERLAINE.

Saturday, 5th May, 1739.

The Commissioners met, and the Surveyors proceeded on the West Line, which was yesterday set off at the end of the half Mile North, and run the same to the Western Bank of Susquehanna to an hickory Tree, which was ordered to be marked with four Notches on each side, and it was unanimously agreed that the West Line, down so far South as fourteen Miles and three quarters of a Mile South of the Latitude of the most Southern part of the City of Philadelphia, as mentioned in the King's Order of Council, to be the Temporary Limits between the two Provinces on the West side of Susquehanna, should begin at that hickory tree, so marked as aforesaid, and be extended towards the River Patowmee, so far as should be judg'd necessary for the peace of the two Provinces

Then the Surveyors resum'd the West Line at the place in Patterson's Field, where they left off in order to set off the half Mile North, & extended that West Line to the Eastern Banks of Susquehannah to a Chesnut Oak Tree on the South side of a very high and steep Rocky point, sometimes called Lindsey's point, but now from its remarkableness, called Parting Point, as it is so near the Division Line between the two Provinces, which said Chesnut Oak Tree was marked with four Notches on each side, and it was unanimously agreed that the West Line so run as aforesaid, from the South side of a Run in a Tract said to be the London Company's Tract, and extended as aforesaid to the said Chesnut Oak Tree, on the South side of Parting Point, shou'd be the line to settle the Temporary Limits between the two Provinces on the East side of the River Susquehanna, down so far South as fifteen Miles, and one quarter of a Mile South of the Latitude of the most Southern part of the City of Philadelphia, reserving always the Liberty to the Proprietaries as mentioned in the Minutes of Tuesday, the 24th April last.

LAWRENCE GROWDON,
RICHARD PETERS,

LEVIN GALE,
SAMUEL CHAMBERLAINE.

Sunday, 6th May, 1739.

Mr. Gale informed the Commissioners that he had since he came from Philadelphia on this Line, received an Account of the Death of a Son and that by a special Messenger, he had just now received a further account that one of his Daughters was dangerously ill, and his Wife and Family in very great distress on that occasion, and proposed an adjournment to a further Day, for that he was rendered incapable to give such attention to the proceedings on the Temporary Lines as his Duty required, and therefore declared he would proceed thereon no further, and Mr. Chamberlaine declared that he apprehended, he had no authority to proceed otherwise than in con-

junction with Mr. Gale, and likewise declined going further with the Line.

Whereupon the Commissioners of Pennsylvania said, that as Col. Gale, had on Friday, the 27th of April, received the account of his Son's Death, & as they were then apprehensive, it would affect him so much as to render him incapable of proceeding on the Line, and might occasion a separation of the Commissioners, they had at that time wrote an account of it to their Governor requesting his further Orders, in case it should prove as they feared, and had received for answer from his Honour, that he had sent them a new Commission (in case of a separation of the Commissioners) to proceed Ex Parte, to finish the Temporary Lines, for that the Peace of the Government absolutely depended thereon. They, the Commissioners of Pennsylvania, therefore declared, that they could not adjourn, but as they judg'd it to be absolutely necessary for the Peace of both Governments, that the Line shou'd be forthwith compleated without any Delay, and as they had a Commission for that purpose, they would proceed Ex Parte, and continue the West Line so run as aforesaid to the marked hickory Tree, on the Western Bank of Susquehanna, and extend it from that Tree, as far as the Peace of the Government shall make it necessary.

LEVIN GALE,
SAMUEL CHAMBERLAIN,
LAWRENCE GROWDON,
RICHARD PETERS.

Signed by the Commissioners,
In Presence of

WILLIAM RUMSEY,
JAMES WHITEHEAD.

No. 8.

NEW COMMISSION TO GROWDEN & PETERS, 1739.

A Copy of the Honourable Governor Thomas's second Commission.
By the Honourable George Thomas, Esqr, Lieutenant Governor and Commander in Chief of the Province of Pennsylvania, and Counties of Newcastle, Kent, and Sussex, on Delaware.

Whereas by a Commission bearing date the fifth Day of December last, under the Great Seal of the Province of Pennsylvania, You, Lawrence Growden and Richard Peters, Esquires, were authorised and impowered as Commissioners, And You, Benjamin Eastburn Esquire, as Surveyor to join Col. Levin Gale and Mr Samuel Chamberlaine, appointed by the Governor of Maryland, to run the Lines

directed by his Majesty's Order in Council of the Twenty fifth of May, 1738, to be Provisional and Temporary Limits between the two Provinces of Pennsylvania and Maryland, until the Boundaries shall be finally settled. And Whereas, you have, pursuant to the said Commission, made some progress in the said work, in conjunction with those Gentlemen, but have inform'd me by your Letter of the 29th of April, that the said Col. Levin Gale having received an account of the Death of his only Son, was gone to Cecil County Court to enquire of some of his Neighbours who were to attend there, of the health of his Family, and if by any accident he should not return to you again, you would by reason of his absence & separation be without any authority to proceed further in running of the said Lines. That so good a Work may not be left unperfected, and that the Gracious Intentions of His Majesty may not be defeated, I do hereby authorise and empower you, the said Lawrence Growdon, Richard Peters and Benjamin Eastburn, to join with any Person or Persons whoshall be duly Commissionated by the Governor of Maryland, to run the said Lines pursuant to his Majestie's said Order in Council, or in case of the separation of the said Col. Levin Gale & Mr. Samuel Chamberlaine without any new appointment of Commissioners on the part of Maryland, I do hereby authorise and empower you to proceed notwithstanding such separation to the running of any Line or Lines by you already begun, and to run all other Lines which are necessary to ascertain and settle the Temporary Limits of the said Provinces, in obedience to his Majesty's said Order in Council, and also to distinguish such Lines and Courses by marking Trees or otherwise as you shall think proper, And you are hereby ordered and directed to lay your proceedings therein before me upon Oath or Affirmation, in order to their being transmitted to His Majesty, And I do likewise hereby strictly charge & command all Magistrates, Sheriffs, and other Officers within my Government, to be aiding & assisting, and to give all due Countenance to the Execution of His Majesty's Commands in the premises.

Given under my Hand and the Great Seal of the Province of Pennsylvania aforesaid, At Philadelphia, the first Day of May, in the year of our Lord One thousand seven hundred & thirty nine, and in the Twelfth of His Majestie's Reign.

GEO. THOMAS.

No. 9.

To the Honourable George Thomas, Esquire, Lieutenant Governor & Commander in Chief of the Province of Pennsylvania, & Counties of Newcastle, Kent, and Sussex, on Delaware.

The Report of Lawrence Growdon & Richard Peters, Commissioners, and Benjamin Eastburn, Surveyor, appointed by virtue of your

second Commission, bearing date at Philadelphia, the first day of May, 1739, for proceeding, Ex Parte, to finish the Temporary Lines (already begun by us in conjunction with the Commissioners of Maryland) between the two Provinces of Pennsylvania and Maryland.

Whereas the Minutes of the proceedings of the Commissioners of both Provinces while in conjunction, will shew that on the day before the separation of Mr. Gale and Mr. Chamberlaine, it was unanimously agreed that the West Line down so far South as fourteen miles and three quarters of a mile South of the Latitude of the most Southern part of the City of Philadelphia, as mentioned in the King's Order of Council, to be the Temporary Limits between the two Provinces on the other side of Susquehannah, should begin at a certain hickory Tree on the Western Bank of the said River, marked for that purpose by order of the said Commissioners with four Notches on each side, and be extended towards the River Patowmeck as far as should be judged necessary for the Peace of the two Provinces.

We, the said Commissioners and Surveyor, do humbly Report, that in pursuance of the said Minute, the Surveyors on the part of Pennsylvania, makeing that hickory Tree the Place of Beginning, did, on Tuesday, the eighth of May, run a due West Line towards the River Patowmeck, with the very same Instrument and Variation of five Degrees and twenty five Minutes with which the Line on the East side of Sasquehannah, in conjunction with the Maryland Commissioners, was run, and causing Trees that fell in or near the Line to be marked and blazed in the very same manner as was observed in that Line. The Surveyors proceeded from day to day and extended the Line to the Top of the most Western Hill of a Range of Hills called the Kittochtinny Hills, distant from the Place of Beginning about eighty eight Statute Miles.

And as this Hill is one of the Boundaries of the Lands purchased by our honourable Proprietaries from the Indians, and no persons are permitted to settle beyond that Range of Hills, We judged the Line to be run far enough to settle the Jurisdiction of the two Provinces, & to answer all the purposes of our Commission, and therefore ordered the Surveyors to end there, and several Trees to be marked with the initial letters of the Names of our honourable Proprietaries, as is usual at the close of Boundary Lines.

LAWRENCE GROWDON,
RICHARD PETERS,
BENJA. EASTBURN.

Philadelphia, 28th May, 1739.

No. 10.

REPORT OF BENJ. EASTBURN, 1740.

To the Honourable George Thomas, Esqr, Lieutenant Governor & Commander in Chief of the Province of Pennsylvania, and Counties of Newcastle, Kent, & Sussex, on Delaware.

In pursuance of the Governor's Commission, bearing date at Philadelphia, the fifth day of December, in the year 1738, authorising and appointing Lawrence Growdon & Richard Peters, Esq^{rs}, Commissioners, and me, the subscriber hereof, Surveyor, to join Col. Levin Gale and Mr. Samuel Chamberlaine, by Samuel Ogle, Esq^r, Lieutenant Governor and Commander in Chief of the Province of Maryland, authorised & appointed Commissioners on the Part of Maryland; In obedience to His Majesty's Order in Council of the Twenty fifth day of May, in the year 1738, for fixing the Lines directed by that Order, to be Provisional and Temporary Limits between the two Provinces, 'till the Boundaries shall be finally settled: To run, mark, distinguish, & lay out the Temporary Lines, Limits, & Bounds aforesaid, agreeable to his Majesty's Order. I do hereby humbly Report, that in the evening of the eighth day of December aforesaid, a true Meridian Line by a Celestial Observation was carefully fixed in Philadelphia City, according to rules agreed on by all the Commissioners, which Line on the following day being tried by an Instrument approved by the Commissioners to run, fix, and lay out the Lines aforesaid, the magnetical variation was thereby found to be five Degrees and twenty five Minutes Westerly, with which allowance, on the eleventh day of the same month, by the unanimous direction of the Commissioners and in Concurrence with Surveyors appointed by the Commissioners on the part of Maryland, I began at the most Southern part of Philadelphia City, and (the intervention of Delaware river making it impossible to run a true South Line) I ran thence a true West Line, to the distance of about two miles, but the severity of the weather at that season of the year rendering it impracticable then to proceed further in the Line, it was unanimously agreed by the Commissioners to adjourn, and to meet again at Philadelphia the fifth day of April 1739, in order to continue the same.

In April aforesaid the Commissioners being met according to their adjournment, and all the Surveyors and chain carriers employed in running the Lines, being qualified on their Oaths or Affirmations; I proceeded on the 13th day of the same month, by the unanimous direction of the Commissioners, and in concurrence with the Surveyor and Surveyors appointed on the part of Maryland, to run & extend the West Line aforesaid, with the same Instrument and with the allowance for Variation aforesaid, & continued the same from time to time to the distance of about thirty one miles true West from the place of Beginning, which was finished on the 23 day of the month

aforesaid. Thence, by direction of the Commissioners, with William Rumsey, a Surveyor chosen on the part of Maryland, I measured on a true South Line fifteen miles and a quarter of a mile, which was begun on 24th & ended on the 26th day of the month aforesaid.

On the 27th day of the same month, by direction and concurrence as aforesaid, I began at the end of the South Line, and on that and the following day proceeded with a true west Line as before, so far as we judged would make a North & South Tangent Line to the circle of Newcastle: And from this point, a Line being run true West to Sasquehannah river, according to the Royal Order aforesaid, the same is the Temporary Limits of the Jurisdictions, as to all vacant Lands in contest between the Proprietaries, and not possessed by or under either of them at the time of issuing the said order: Therefore from hence we proceeded with a true West Line, and to distinguish the same caused the Trees that stood in the Line to be marked with four Notches on each side; and in like manner extended the said Line to the said River, and there ended the same on the fifth day of May in the year 1739.

The Temporary Limits of the said Jurisdictions on the Western side of Sasquehannah river, being, by the Royal Order aforesaid, to be fixed at the distance of fourteen miles and three quarters of a mile South from the latitude of the most Southern part of Philadelphia City; therefore I, with William Rumsey, measured on a true North Line, by direction of the Commissioners, half a mile, and from thence extended a true West Line to the Western bank of Sasquehannah river, where, by the unanimous direction of the Commissioners, a Hickory Tree was marked with four Notches on each side, on the day aforesaid, in order that a true West Line for the Limits aforesaid might be extended from thence; but the Commissioners on the part of Maryland, then declining to proceed to run the said Line on the West side of Sasquehannah river, according to the said Royal Order; and in pursuance of another Commission from the Governor bearing date at Philadelphia, the first day of May, 1739, authorising and empowering the aforesaid Lawrence Growdon & Richard Peters, Esq^{rs}, Commissioners, and me, the subscriber, Surveyor, in case of a separation of the Commissioners on the part of Maryland, to proceed, & to compleat the Lines begun as aforesaid, that the Gracious Intentions of his Majesty might not be defeated: The Execution whereof, I, with the said Commissioners, on the twenty eighth day of May, in the year 1739, having jointly reported to the Governor, do therefore humbly refer. All which Lines are represented by the annexed Map.

BENJA. EASTBURN.*

Philadelphia, April 24th, 1740.

* See letters, &c., from the Commissioners during their progress on pp. 556, 561, 568; detached portions of some of the foregoing are there introduced. Here the whole series of papers received from England is printed entire. Also Colon. Rec., Vol. V. p. 421, et post.

THE KING'S INSTRUCTIONS FOR GOVERNOR THOMAS, 1740.

GEORGE R.

[L. S.]

Instructions for Our Trusty and Welbeloved George Thomas, Esqr, Deputy Dovernor of Our Province of Pensylvania, in America, or The Deputy Governor, or Commander in Chief, of Our said Province, for the time being, Given at Our Court at St James's, the Second Day of April, 1740, in the Thirteenth Year of Our Reign.

"Having been called upon, by repeated Provocations, to declare War against Spain, We are determined, by God's Assistance, in so just a Cause, to Vindicate the Honour of Our Imperial Crown, to revenge the Injuries done to Our Subjects, to assert Their undoubted Rights of Commerce and Navigation, and, by all possible Means, to attack, annoy, and distress a Nation, that has treated Our People with such Insolence and Barbarity."

1. "We have therefore given Orders for the Equipping and Setting forth of an Expedition against the Territories of the Catholick King in the West Indies, which will consist of a large Squadron of Our Ships of War, and of a considerable Body of Our Land Forces, with a Suitable Train of Artillery, Storeships, and Transports; The Fleet to be commanded by our Trusty and Welbeloved Edward Vernon, Esqr, Vice Admiral of the Blue Squadron of Our Fleet, and Commander in Chief of our Ships employed, or to be employed in the West Indies; And the Land Forces, by Our Right Trusty and Welbeloved Charles Lord Cathcart, Major General of Our Forces, whom We have appointed our General and Commander in Chief of the said Expedition.

"We have also determined to raise a Body of Troops in our Colonies on the Continent of North America, to join Those to be sent from hence, at a particular Rendezvous, which will be appointed for that purpose, and to act in Conjunction with Them, under the Command of Our said General, in such Dispositions as shall be made for our Service. And altho' We have not thought fit to fix any particular Quota for our Province of Pensylvania, under your Government, because We would not Set Bounds to their Zeal for Our Service, yet, considering the great Number of Inhabitants in Our said Province, and that They have of late Years been much encreased, We doubt not in the least, but They will exert Themselves upon this occasion, as far as the Circumstances of the Colony will allow, being assured They cannot render a more acceptable Service to Us and to their Mother Country, or do any Thing more essential for their own Interest.

2. It is Our Will and Pleasure, That you do, with the utmost Zeal and Diligence, promote and encourage so necessary a Disposition, For which purpose you will forthwith summon all Our Councilors to attend you in Council, and communicate to Them these Instruc-

tions, That They may be the better able to advise and assist you in the Execution of them, And in the Appointing of such Officers for the Command of the several Companys to be raised, as are known to be Men of Interest in their Country, and Well disposed to Our Service.

3. "It is our Intention, That the Troops to be raised in our Province of Pensylvania, shall consist of Companies of One hundred "Men each, including Four Serjeants, Four Corporals, and Two "Drummers, besides their Commission Officers, which shall be one "Captain, Two Lieutenants, and an Ensign. But We have reserved "to Ourselves the Nomination of the Field, and Staff Officers, and of one Lieutenant for each Company, who will be Men of Experience in Service, and sent from hence for Their Assistance to meet Them at the general Rendezvous, appointed in the West Indies. Your Troops will likewise be furnished with one Serjeant for each Company, by Draughts of Old Soldiers out of the Four Independent Companies at New York, for which purpose the necessary Orders will forthwith be given. All the other Officers are left to your Nomination, and You will receive Blank Commissions under Our Sign Manual for Them, to be filled up with such Persons as you shall think proper, taking the Advice, and even the Recomendation of Our Council therein, so far as may be consistent with our Service, and the Dispatch requisite upon this Subject. But if the Number of Blank Commissions sent to you upon this Occasion, shall happen to be more than the Companies raised in your Government do require, You are hereby directed to return the Remainder by the first opportunity, to One of Our Secretarys of State, And you shall return a List of the Officers, whose names you shall have inserted in any Commissions, by virtue of these Our Instructions, To whom the same shall be delivered free of all Charges, and without Fee, Gratuity, or Reward, upon Pain of Our highest Displeasure.

4. You are likewise directed forthwith, to issue a Proclamation, giving Notice of Our Royal Intentions in this behalf, inviting Our good Subjects chearfully to enlist in Our Service, and assuring Them "That the Troops to be raised, in pursuance of These, Our instructions, as well Officers as Soldiers shall enter into Our Pay, and "enjoy the same Rank and Pay with the rest of Our British Troops, "so long as They shall continue in Our Service.

5. And that you may be the more fully informed of Our Pleasure, "with respect to the Troops to be raised in your Province, We have "thought fit to declare That all the Serjeants, Corporals, Drummers, "and private Soldiers shall be entitled to receive our Pay, from the "respective Days on which They shall be enlisted, pursuant to such "Certificates, as you shall judge sufficient for that purpose, and that "the Commission Officers shall enter into Pay from the Day Their "Commissions bear Date, and They shall take Post and Rank in the "respective Batallions into which They shall be formed, according to

“the Date of the Certificatess, by which It shall appear when each
“Captain respectively had compleated his Levies.

6. And as a further Encouragement to such Officers and Soldiers,
“as shall engage in the present Expedition, You may assure Them,
“in Our Royal Name, That the Soldiers shall not only be cloathed
“and armed according to the Samples That will be sent herewith, and
“furnished with Tents, and entertained in Our Pay, but That, after
“Their Arrival at the General Place of Rendezvons, They shall be
“be provided for, in every other respect, as Our British Troops.
“That They shall likewise have Their just Share and Proportion of
“all Plunder or Booty gained or taken from the Enemy, according
“to their Services, And if, by the Blessing of God upon Our Arms,
“any of the Enemy's Lands or Settlements shall fall into Our Hands,
“Our American Troops shall have a Share thereof, as well as the
“the rest of Our Forces, in Preference to all other Persons that shall
“not have engaged in the present Expedition.

7. And We do further declare, That so soon as the present Expedi-
“tion shall be determined, whatever the Success thereof may be, all the
“Troops raised in Our American Colonies for this purpose, as well
“Officers as Soldiers, shall have free Leave to return to Their re-
“spective Provinces, and shall be transported thither at our Ex-
“pence, except Those only, That shall chuse, for their own Advan-
“tage, to settle or remain in such Places or Garrisons as may fall
“into Our Hands, where They shall receive all due Encouragement,
“And the Soldiers, whether They remain there or return home,
“after the said Expedition, shall retain Their Arms and Cloathing.

8. But we trust and expect, That Our Assembly of the Province
of Pensylvania, will provide Victuals, Transports, and all other Ne-
cessaries for the Troops to be raised in Our said Province, except
Cloaths, Tents, Arms, Ammunition, and Pay, till Their Arrival at
the general Rendezvous in the West Indies, from which time the said
Transports shall enter into Our Pay. And you are hereby directed,
without Loss of time, to recommend to the said Assembly, in Our
Name, to make such Provision, that the Expedition may not be re-
tarded for want thereof.

9. We recommend to you also to engage such Persons within your
“Province in the present Expedition, both for the Transport and
“Land Service, as have, at any time, been resident in, or have a
“particular Knowledge of the Spanish Ports, Coasts, or Settlements
“in the West Indies, and you may assure such as are able Pilots for
“the said Coasts, That Their Service shall meet with all suitable En-
“couragement.

10. And That Nothing may be wanting on Our part, towards the
promoting and compleating of this important Design, We have
thought fit to appoint Our Trusty and Welbeloved Mayor, General
Alexander Spotswood, to be Quarter Master General of all Our
Forces in this Expedition, and to take upon him the Command, Con-
duct, Discipline, Disposition, and Embarkation of Our American

Troops, so soon as they shall be raised. You are, therefore, from time to time, to correspond, confer, and advise with the s^d Major, General Alexander Spotswood, in all Matters that may tend to the promoting these Levies, and the Completion of our Design.

11. We have also thought fit to dispatch Our Trusty and Welbeloved Colonel, William Blakeney, from hence, whom We have appointed to be Adjutant General of all our Forces to be employed in the present Expedition, with Samples of Cloaths, and also with Arms, Ammunition, and other Necessaries, for the use of Our American Troops, and whatever may be further wanting shall be sent Them, either before Their Embarkation, or shall meet Them at the general place of Rendezvous in the West Indies. And as We repose especial Trust and Confidence in the said Colonel Blakeney, It is our Pleasure That you should admit Him also into all your Consultations, relative to These Instructions, whenever He shall be within your Precincts.

12. We depend upon your punctual Compliance with these Our Instructions. We recommend the several Matters therein contained, to you, Our Deputy Governor, to our Council, to our Assembly, and to all other Our good Subjects in Pennsylvania, so far as may concern Them respectively. And, We do expect, That you should, by the first and every other Occasion that may offer, send Us a full and clear Account of your proceedings herein, by Letter, directed to One of Our Secretaries of State.

G. R.

Indorsed.—Instructions for the Deputy Governor of Pennsylvania.

His Majesty's Instructions, Rec^d, 25th June, 1740, by the Hon^{ble} Coll^o Blakeney.

GOV. CLARKE OF N. Y. TO GOV. THOMAS, 1740.*

N. York, June 23d, 1740.

SIR,

Late on last Thursday night Capt. Gill arrived from London, and the Mayor early next morning, as I had before given directions, sent for him and examined him of his passengers, in order to discover whether Jenkins was on board, but it seems the fellow had entered with him as a Sailor, & served as Cook, by which means he might have escaped, if I had not made myself some further Inquiry. I immediately ordered the Master to secure him on board, with his Chest and what other things he had, and to acquaint the Mayor therewith, who, opening his Chest, found in it a bundle of paper Bills, containing in Number 971, of Twenty Shillings each, which

* See Colon. Rec., Vol. IV., p. 422, 429.

he brought to me, & I sealed them up with my own Seal, and delivered them again to him, to be kept till you send directions; the fellow is likewise in prison, so that I hope every thing has been done to your satisfaction, and the villany prevented from taking effect; none of the Bills are signed; I send you inclosed some papers which were found in his Chest. I shall keep him in prison, 'till I hear further from you. I am, with much respect,

Sir,

Your most obedient

Humble Servant,

GEO. CLARKE.

Governor Thomas.

GOV. CLARKE TO GOV. THOMAS, 1740.

N. York, 29th June, 1740.

SIR,

I have the Honor of your letters by the post, as well as that by the person whom you sent for Jenkins. I have given orders for delivering him, and the money which I sealed up and left in the Mayor's hands, as I acquainted you by the last post. No further discovery has been made here that I have been informed of. I fancy charges have accrued. I will let you know it when I do, at present I have no demand for any. I am, with great respect,

Sir,

your most obedient

humble servant,

GEO. CLARKE.

Governor Thomas.

EXAMINATION OF ROBERT JENKINS, OF THE COUNTY OF SALEM, IN NEW JERSEY.

July 3d, 1740.

A Letter being Shown him, directed to Robert Jenkins, at Letten Chainey, Dorset Shire, dated Aug^t. 1st, 1739, he acknowledged the Letter belonged to him, & was in his Chest at New York.

A Large Bundle of Paper Bills of Credit, in Imitation of Bills of Credit of the County of N. Castle, Kent & Sussex, upon Delaware, being shown him and being asked how he came by the Bills, and being told they were found in his Chest, he said he knew nothing of

* See Colon. Records, Vol. IV. p. 422, 429.

the Bills, if they were found in his Chest, they were there when he bought the s^d Chest, and that if he had sold y^e Chest, he should have sold the Bills with y^e Chest.

Being asked if he was present when the Bundle of paper Bills were taken out of his Chest at N. York, Said that he was present, & that they were found in the Till of his Chest, & that a small Board was put against the Till, & a Chissell was Used to force y^e Board.

The s^d Jenkins acknowledges that he had in his Chest a Viol of Black Ink, & a Viol of Red Ink, & being asked when he bought it, Said that the Viols of Ink were in his Chest when he bought the s^d Chest.

Being asked if he carried to England any Rum, Said he carried abt Seven Gallons.

Being asked in Relation to y^e Letter wrote to him about y^e Estate, and who wrote it, Said that the Letter was Contrived by him & another person, in order to keep him from the press, he being prest on board of a Man of War.

It appearing that the s^d Letter was Dated y^e 1st of Aug^t. 1739, he was Asked what time he left this Country when he went to England, Said that he went home y^e 1st of Aug^t Last.

Being asked where he lived when at London, Said he Lived in Rosemary Alley.*

Indorsed—Robert Jenkins's Examination before the Hon^{ble} Geo. Thomas, Esq., Gov^r. &c.

DEPOSITION OF RACHAEL BRICK ON COUNTERFEITS, 1740.

The examination of Rachael Brick of Pilesgrove, in y^e County of Salem, in y^e province of new Jersey, on her affirmation taken before me, the Subscriber, one of his majestyes Justices of the peace for y^e County of Salem, y^e twenty ninth day of July, Anno. Dom., 1740.

The Said Examinant Saith that Some time Since Robert Conoway, of y^e County of Salem, was Convicted for Counterfitting of money of Countys of new Castell, Cent, and Susekes on Delawar. Peter Long and William Paulling was talking about Counterfit money at this Examinants house, and William Paulling said that amongst all the Counterfitting ther was no Jersey money Counterfited, and Peter Long Saith he was mistaken, and told him, y^e s^d William Paulling, that he believed that there was Jersey money Counterfited, and took out of his pocket his pocket Book, and seemed to have a large parsale of money, and showed two or three Jersey Bills, to

* One of the original Counterfeit Bills, is in the Secretary's office at Harrisburg. See p. 578, 581.

Show the Difference between the true Bills and Counterfits, and Saith that if y^e truth was known, he y^e said Peter Long, believed that there was Jersey money Counterfited, and believed that he had had some; and, further, this Examinant saith that there was differences in y^e Bills, but what she has forgot, and further she saith not.

RACHAEL BRICK.

This above Examination was taken y^e day and year above written.

DAVID DAVIS.

July 21st, 1740.

The *Examination of William Brick*, of Piles Grove, in the County of Salem, in y^e province of New Jersey, on his affirmation taken before me, the Subscriber, one of his Majesty's Justices of the Peace for the County of Salem, y^e Twenty first day of July, Anno. Dom., 1740.

This Said Examinant saith that some time since Robert Conaway, of y^e County of Salem, was Convicted for Counterfitting of money of Countys of New Castell, Kent & Susecks on Delawar. Peter Long and William Pauling was at this Examinants House, and that the Examinant and Peter Long was talking about Counterfitt Bills of New Castell, Kent & Susacks on Delawar, as also of New Jersey, and William Pauling told Peter Long he beleaved that no body had Counterfitted any Jersey money. Peter Long maid answer that he beleaved their was Jersey money Counterfited, and took ought of his pocat a large parcell of paper money, and amongst other bills showed a Twelve Shilling Bill of Jersey money, and showed to this Examinant y^e Difference between the trew bills and those Counterfitted, and y^e said Peter Long told this Examinant that he beleaved he had passsd some Counterfitt Bills: and farther than this y^e said Examinant saith not.

WILLIAM BRICK.

The Above Examination was taken y^e day and year above written.

CLEM. HALL.

JOHN LADD TO JAMES STEEL—COUNTERFEITS, 1740.

RESPECTED FRIEND :

I have endeavored to get the hand writing of y^e paper money Chaps, but have not yet accomplish it. I wrote, on receiving thy first Letter, to Clem^t Hall, who I thought Cou'd be Likely to get Jenkins' writing. I would have Gon to Salem myself, but for y^e small pox being at Salem. I have not yet Rec^d an answer from him, but Expect him up to y^e Council. I believe there is no doubt but Long's writing may be had; I did not think proper to Endeavour openly to Get his first, Least it might alarm y^e other's friends, and hinder y^e Getting his hand writing.

When I get Long's, I will Immediately send it to thee,

I am with kind Regards Thy assured Friend,

JOHN LADD.

August 5th, 1740.

To JAMES STEEL.

NOTICE TO LORD BALTIMORE ON MEETING OF COMM'RS, 1740.

Sir :

Whereas, a Commission is issued out of his Majesties high and honourable Court of Chancery in England directed to Us whose Names are hereunto subscribed & to, Levin Gale, Esq^r., Hugh Jones, Clerk, Benj^m Young Good, & Jam^s Sterling Clerk, for the Examination of Witnesses in the Province of Pennsylvania, and the three lower Counties of Newcastle, Kent and Sussex, in a Cause depending in the said Court, wherein John Penn, Thomas Penn and Richard Penn, are Plaintiffs, and Charles Calvert, Esquire, Lord Baltimore, in the Kingdom of Ireland, Defendant. This is to give You Notice that the said Commission will be executed in the Statehouse, in the City of Philadelphia, upon Monday, the Twentieth Day of October next, at Ten of the Clock, in the Forenoon of the same Day, at which Time and Place, the said Defendant, his Commissioners and Witnesses, may be present if they please.

Witness our Hands this Sixth Day of September, One Thousand Seven Hundred and Forty, at the said City of Philadelphia, in the Province of Pennsylvania.

CLEM. PLUMSTED,
DA. FRENCH,
SAMUEL CHEW.

To the Honourable Samuel Ogle, Esq.,
Lieutenant Governor of the Province of Maryland.

I agree to the time and place for Executing the Comm'son above

st^d, but have some Exceptions to to the Stile in which the Notice is drawn.

JOHN KINSEY.

Served 16th, 7^{mo.}, per J. Webb.*

Indorsed.—Penn's vs. Baltimore. Notice of Executing Pro^{ts} Commission, 20th Octo^r, 1740.

ALTERATION OF THE FORMS OF PRAYER FOR THE ROYAL FAMILY, 1740-1.

AT THE COURT OF ST. JAMES'S.

the 29th day of January, 1740.

PRESENT :

The King's most Excellent Majesty.

Arch Bishop of Canterbury,
Lord President,
Lord Steward,
Lord Chamberlain,
Duke of Bolton,
Duke of Athol,
Duke of Montagu,

Earl of Abercorn,
Earl of Waldegrave,
Viscount Torrington,
Lord Cornwallis,
Lord Chief Justice Willes,
Sr Charles Wager,
Sr John Norris,

Earl of Pembroke.

Whereas, His Majesty in Council, was this day pleased to Declare His Royal Pleasure, that in the Morning and Evening Prayers. in the Litany, and in all other parts of the Publick Service, as well in the Occasional Offices, as in the Book of Common Prayer, where the Royal Family is appointed to be particularly Prayed for, the following Form and Order should be observed, Viz :

Their Royal Highnesses Frederick Prince of Wales, The Princess of Wales, the Duke, the Princesses, The Issue of the Prince and Princess of Wales, and all the Royal Family.

And to the end, That the same Form and Order may be Observed in all His Majesty's Plantations in America, His Majesty doth hereby Order, that the Deputy Governor or Commander in Chief of the Province of Pennsylvania, for the time being, Do cause the same to be forthwith Published in the several Parish Churches, and other Places of Divine Worship, within the said Province, and Do take care that Obedience be paid thereto accordingly.

W. SHARPE.

Indorsed.—His Majesty's Order in Council, directing the Form of Prayers for the Royal Family, dated 29th Jan., 1740.

* These words written with a pencil.

ZACH. BUTCHER TO GOV'R, AFFAIRS AT MARSH CR., 1741.

Sr:

I was designed about two weeks ago to have Laid out the Mannor at Marsh Creek, but the Inhabitants are got into such Terms, That it is as much as man's Life is worth to go amongst them, for they gather'd together in Companies, and go in Arms every Time they Expect I am any where near there about, with full resolution to kill or crible me, or any other person, who shall attempt to Lay out a mannor there.

Yet, if the Hon^{ble} Proprietor shall think fitt to order such assistance, as shall withstand such unreasonable Creatures, I shall be ready and willing to prosecute the same with my utmost Endeavor, as soon as I come back from Virginia. I am going there on an urgent occasion.

I am Yo^{rs} to Serve,

ZACH. BUTCHER, Dpt.

Conewaga, June 17, 1741.

P. S. I was laying out some Land for Adam Ffarney, and Mr. Diggs sent his Son and Robert Owen to warn me off. They said the Land I was then Laying out was not theirs, but that they own'd 7000 acres, I asked for their Draught, or shew me their bounds, I had no design to intrude on them. They went away mute, and would Do neither.

ZACH. BUTCHER.*

Indorsed.—Zachary Butcher, June, 1741.

COPY OF A COMMISSION TO GOV. THOMAS FROM THOMAS PENN, &c., 1741.

TO ALL PEOPLE to whom these Presents shall come, The Honourable THOMAS PENN, Esqr, sends GREETING :

WHEREAS the said Thomas Penn with his Brothers John and Richard Penn, are the true and absolute Proprietaries and Governors in Chief of the Province of Pennsylvania and the Counties of Newcastle, Kent and Sussex on Delaware in America. AND the said John and Richard Penn, by their Deed, Poll or Commission, duly executed under their Hands and Seals, bearing date the Eighth day of May, which was in the year of our Lord One Thousand Seven Hundred and Thirty-two, and reciting as therein recited, did Give and Grant unto the said Thomas Penn, their full Power and Authority (inter alia) by Warrant under his hand and the greater or

* See page 635.

less Seals of the said Province and Counties respectively, to Grant and cause to be Laid out to all Persons duly applying for the same, All such Lands and Lotts of Land, Tenements and Hereditaments in the said Province or Counties as had been theretofore legally Purchased of their late Father, William Penn, Esqr, or any person or persons lawfully claiming under him; And also absolutely to Grant, Bargain, Sell, Lett or Demise any Lands, Tenements, Rents, Franchises, Liberties, Hereditaments and Estate whatsoever in the said Province and Counties, belonging to the said John, Thomas and Richard Penn, as Proprietaries as aforesaid, for the best Price and on the best Terms he could get, and to seal and execute all proper Grants, Demises, Contracts and Conveyances for that Purpose, but the same to be under the Great Provincial Seal, and duly entered on Record in the Rolls Office or other proper Office for that purpose; With full power to constitute and appoint Surveyors, Rangers, Receivers, Secretary and all other Officers, relating to the Affairs of the Lands or Estates in the said Province and Counties, And to displace all such Officers, and put others in their stead; and to demand, sue for, and receive all Rents and other Moneys whatsoever, and call all Persons to account relating thereto; and with General and full Powers to the said Thomas Penn, to do, transact and perform all other Acts and Things whatsoever necessary for the regulating, well-ordering and managing all and every the Proprietary Affairs of the said Province and Counties: AND ALSO with full Authority to the said Thomas Penn, by any Deed under his Hand and Seal, or under the Provincial or other Seal of the said Province and Counties; to be duly enter'd on Record in the Rolls Office, to Grant the like or limitted Powers and Authorities to any person or persons whatsoever, as he should think fit, and then at Pleasre to revoke, as in and by the same Deed, Poll or Commission, (relation being thereunto had) it doth and may more fully and at large appear. AND WHEREAS, the said Thomas Penn proposes in a short time to embark on A Voyage to England, and being desirous that the Business of Setling and Improving the said Province and Counties shall not thereby be obstructed or retarded, hath therefore determined to commissionate and invest the Honourable George Thomas, Esqr, Lieutenant Governor of the said Province and Counties, with the Powers and Authorities herein after expressed and granted.

NOW KNOW YE, that the said Thomas Penn reposing special Trust and Confidence in the said George Thomas, and for the Considerations aforesaid, HATH (by virtue and in pursuance of the Power and Authority to him for that Purpose granted by the said in part recited Deed Poll or Commission from his said Brothers, and in virtue of his own proper Right and Power,) Given and Granted, and by these Presents doth Give and Grant unto the said George Thomas full Power and Authority, by Warrant to be issued by the Secretary under the Seal of the Land Office of the said Province, to Grant, and by Patent under the Great Seal of the said

Province, to Confirm to any person and persons lawfully claiming under the said William Penn, or under them the said present Proprietars, any Vacant Land or Lotts within the said Province, according to the Terms of such Original Purchases of such Lands or Lotts. AND ALSO, by Warrant to issue as afo^d to Grant to any person and persons who shall apply for the same, any Vacant Land within the said Province and Counties, UPON and under the same Terms, Methods, Rents and Reservations, as have of late been used and practiced in the s^d Land Office, and for no less Price, Consideration or Rent in any wise, and the rent to be reserved in Sterling Money, or the value thereof, according to the Course of Exchange between the s^d Province and the City of London. AND on a Certificate being produced of the survey of such Lands by the Surveyor General, and of the Consideration Money being paid to the Receiver General, to Grant Patents (to be prepared by the Secretary for the Time being) to such person & persons for such Lands, from time to time, under the Great Seal of the said Province, and to be duly Recorded in the proper Office for Recording Deeds in the said City of Philadelphia, and which Patents when so made and recorded, shall be deemed good, valid and effectual in Law; AND ALSO full Power and Authority to Grant, under the Great Seal afo^d Lycences for the erecting or continuing Fferries within the said Province & Counties as to him shall seem meet, so as such Licences do not exceed the Term of Seven Years, and be Recorded in the Office above mentioned. AND in case of the Absence, Unfitness, Misbehaviour, Death or voluntary Resignation of any of the Officers employed or to be employed in the Premises or any Thing relating thereto, then full Power and Authority is hereby given to the said George Thomas to remove & displace any such Officer or Officers, and to appoint and put in others, from time to time, into such Office and Offices (until further order.) AND with full power, from time to time, at his the s^d George Thomas's Pleasure to inspect the Conduct and Management of, and to call to Account, adjust and settle Accounts with, all and every or any such Officer or Officers whom it doth or may concern, touching all or any their Receipts, Payments, and Actings, in and about the Premises, or any part thereof. AND full Power and Authority is hereby also given to the said George Thomas for any the Purposes herein before expressed, to make Use of the Provincial or other Seal or Seales of the said Province & Counties, or of either or any of them, as may be requisite and proper. AND what the said George Thomas shall lawfully do, or cause to be done, in all or any of the Premises and the Dependencies thereof, by virtue and in pursuance of these Presents, the said John, Thomas and Richard Penn, and each of them, shall and will at all times hold for firm, valid and effectual, and as such ratify and confirm the same under the Conditions afo^d.

IN WITNESS Whereof the said Thomas Penn, by vertue of the Powers and Authorities to him Granted by the said John and Rich-

ard Penn, and of his own Right, hath set his Hand and caused the Great Seal of the said Province to be hereunto affixed, at Philadelphia, this Nineteenth day of August, in the year of our Lord One Thousand Seven Hundred and Forty-one, and the Fifteenth Year of the Reign of King George the Second over Great Britain, &c.*

THOS. PENN.

Indorsed.

Copy. Commission To Hono'ble George Thomas, Esq^r.

F. J. PARIS TO R. PETERS, 1741.

Surry Street, London, 20 January, 1741.

Sir :

The last of your letters which I have rec'd, was of the 25th of October, by Cap^t. Wright, and I am such a lover of Liberty, & such an Enemy to all undue Usurpation of Powers, either in Civil or Ecclesiastical Affairs, that I am very much pleased to see that your Vestry are in a Disposition not to admit any minister licensed by the Bishop, to preach in their Church. I think it a proper, and a lawful Assertion of what I take to be their undoubted right. I am in doubt with myself, whether I should or should not, acquaint the Bishop hereof; but, as the matter is over, I now send your Account of my Charges, in that out of the Way and troublesome Affair.

I Wish you had sent me a printed copy of the Militia Act, (past in the lower Countys, I have taken care to print here) the Governour's speech to that Assembly, & their handsome Answer to it, and a list of the Acts which he past there (amongst which was the Militia Act,) but have not seen any copy of that Act, tho' that would be of use here, to show that the Quakers in the lower Countys, are not so unreasonable as those in the upper.

I have desired the Gov^rs Agent to lay in a Claim for the money which the upper Assembly have sent home, (in case it should be offered to the King's Disposition,) for we hear that the Bills for it are arrived in England.

Its certain that the Assembly taking upon themselves, solely, to grant, apply Issue, and pay the money, is very irregular; but that this exceeds the 80,000 paper money, (tho' it may be very true,) does not appear at all clearly here.

The secret piece of work, which your Assembly was about when you writ, was not a Petition to the King, but an Address to the Proprietors to remove your good Gov^r, but which will not have their desired effect; a copy of it is sent to the Gov^r by this conveyance for his Information.

If Mr. Kinsey's grant for the Office of Attorney General, had really been quam diu se bene gesserit, I clearly think the Governour is

* See Colon. Rec., Vol. IV., p. 501.

not the Judge of his behaviour, nor could have removed him without a Judgment of Forfeiture in a Court of Law; but if Mr. Kinsey held that Office as the Attorney General holds his place in England, its only during pleasure, and the King in England, & consequently, the Governor in Pensilvania, may remove such an Attorney General at pleasure. This would be law in the case of most offices that might be named; but is most strongly so in the case of an Attorney Gen^l, or Special, who, altho' appointed irrevocably, is, nevertheless, revokable at pleasure.

And I am

Sir,

Your most humble Servant,

FERD. JOHN PARIS.*

Directed.

To

Richard Peters, Esq^r, Proprietary's Secretary,
in
Pensilvania.

Indorsed.

Lre from Mr. Paris dated 20th Janu^{ry}, 1741, rec'd by Rich^d Hockley, 2 May, 1742.

PROCLAMATION OF GOV. THOMAS AG'ST SETTLERS ON LANDS
IN LANCASTER, 1742.

BY THE HONOURABLE

GEORGE THOMAS, ESQ.,

Lieutenant Governor and Commander in Chief of the Province of
Pennsylvania, and the Counties of *New-Castle*, *Kent*, and *Sussex*
upon *Delaware*.

A PROCLAMATION.

WHEREAS, by the express Orders of the Hon. the *Proprietaries*, no Warrant or License has issued out of the *Land-Office* for taking up or settling any Lands in the County of *Lancaster*, to the *Westward* of the *Kittochtinny-Hills*, otherwise called the *Endless* or *Blue Mountains*, so that all such as have presum'd to possess themselves of any Lands there, are manifest Intruders; and, as such, liable by the Laws to be removed, and, in Case of refusal, to be committed to Prison and severely Fined. AND WHEREAS the *Indians* at the Treaty made with them in the Month of *July* last, did complain that they were greatly disturbed and injured by the Peoples settling at *Juniata* and in other parts of the county of *Lancaster* to the *Westward* of those Hills, and became earnest Petitioners that all such persons might be made to remove from thence. I, favouring the re-

* Agent for the Province in England.

quest of the said Indians, and to the End that all persons concerned may have sufficient Notice of the Dangers they incur from their resentment, and the Violation of the Laws, Have thought fit to issue this my Proclamation, hereby strictly requiring all persons who have presumed to possess themselves of any Lands situate in the places aforesaid, or in any part of the said county of *Lancaster* to the westward of the aforesaid Ridge of *Mountains*, or who have seated themselves on any tracts appropriated to the use of the *Indians* on this side of those Hills, forthwith to leave their possessions and remove off them with their Families and Effects, as they will answer the contrary at their highest *Peril*. And as by reason of the approaching Winter, some may not be able to provide themselves with fit Habitations or with the Necessaries of Life, if they should be compell'd immediately to leave their Houses and Plantations, the Removal of such as are in these Circumstances is respited to the *first* Day of *May* next, the longest time that will be allowed any one to continue in the possession of any lands so situate as aforesaid. AND I DO hereby require the Sheriff of *Lancaster* county to publish this Proclamation at the *Court-House* of the said county, and to cause Copy's thereof to be affixed at the most publick places, and particularly at *Juniata*, and from thence all along on the Banks of the *River Sasquehanna* to *Wyomen*, and at *Licking-Creek Hills* near the *River Patowmeck*, that none may pretend Ignorance thereof.

Given at PHILADELPHIA under my Hand and the Great Seal of the said Province, the *Fifth Day of October*, 1742, in the *Sixteenth Year* of the Reign of our Sovereign Lord GEORGE the Second, by the Grace of God of *Great-Britain France*, and *Ireland*, KING Defender of the Faith, &c.

GEORGE THOMAS.

GOD Save the King.

Indorsed.

Proclamation, 5 8ber, 1742. Settling on Indⁿ lands in Lancaster county.

POWER OF ATTORNEY FROM INDIANS. TO SELL LANDS IN NEW JERSEY, 1742-3.

Know all men by these presents, that We, Indians Wesavane-kunk, Talawnemun, Tehokemun and Goote Leeke, for certain causes and considerations us thereunto moving, Do nominate, constitute and appoint, Our Trusty and well beleved Friends (Tundy Tetamy, and Captain John,) Our Sole and Lawful Attorneys, To make Sale of and dispose of all our Land lying and being on Edge Harbour, being betwixt Mount Holly and Crosswicks. Being the proper right of Us the above named. The said Land being never Sold nor Purchased by any Person or Persons, from us or any of our predecessors.

Therefore, we, the said Savankun, Talawnemun, Tehokemun and Goote Leeke, Do by these presents give and grant full power and authority to these Our said Brethren, Tundy Tatamy and Captain John, to sell and dispose of the said Land as they shall think proper; and furthermore, do empower the said Tundy Tatamy and Captain John, to ask, receive and collect, any Sum or Sums of Money for any parcel or parcels of the said Land, and to give and Sign any Deed or Writing, to any Person or Persons, for any part or Tract of Land by them sold belonging to us aforesaid. And furthermore, we, the said Savanekun, Talawnemun, Tehokemun, and Goote Leeke, and our Heirs, shall, will, and do quit claim and Resign Up all our Right, Title and Property, to any part or parcel of our Land which shall be sold By or Purchased of Our Brethren Tundy Tatamy and Captain John, aforesaid, forever. In Witness whereof, We, the above named Indians, have hereunto set our Hands and Seals, the 21st day February, one thousand seven hundred and forty-two.

His
WESAVANE ✕ KUN, [L. s.]
mark.

his
TALAW ✕ NEMUNT, [L. s.]
mark.

his
TEHOKE ✕ MUN, [L. s.]
mark.

his
GOOTE ✕ LEEKE. [L. s.]
mark.

Testt.
Charles Maycock.

Indorsed—"Teedyuscung, Aug^t. 1757, Power of Attorney from Jersey Indians, to Tundy Tettamy & Capt. John, to sell their Lands in Jersey."

* The foregoing is indorsed apparently in the handwriting of R. Peters. "Tedyuscung, 9 Aug. 1757, Power of Attorney from Jersey Indians, to Tundy Tittany and Capt. John, to sell their lands in Jersey," it is perhaps a copy, though the Indian marks have the appearance of being original. See an application of these two chiefs respecting lands, in Nov. 20, 1742, Colon. Rec. Vol. IV. p. 624. See page 641 of this volume.

DUKE OF NEWCASTLE TO GOV. THOMAS—STATES GEN.—1743.

George R.

Trusty and Welbeloved, We greet you well, Whereas the Sieur Ilop Envoy Extraordinary from our Good Friends and Allies, the States General of the United Provinces, has made strong and repeated Complaints to us, that since the Commencement of the present War with Spain, the Captains and Officers of our Ships of War, and others acting under our Commission, have without any regard to the terms of the Treaty Marine between our Royal Predecessor, King Charles the Second, and their High Mightinesses the States General of the United Netherlands, concluded at London the 1st day of December 1674, S. V. confirmed by subsequent Treatys, frequently made prize of Dutch Ships and their Cargoes, as well in Europe as in America, upon pretence of their having on board Spanish Effects, tho' not contraband; And it being our Royal Intention that all engagements which subsist between us and our said good Friends and Allies, the States General, should be most-carefully and religiously observed, It is therefore our Will and Pleasure, and we do hereby authorise and empower you to enjoyn all Captains of Ships to whom you shall grant Letters of Marque, or Commissions for private Men of War against the King of Spain and his Subjects, to observe carefully and religiously the said Treaty Marine, and give Security pursuant to the Tenth Article, for their due performance thereof. And so we bid you Farewell. Given at our Court at St. James's, the Thirteenth day of April, 1743, in the Sixteenth Year of Our Reign.

By His Majesty's Command.

HOLLES NEWCASTLE.

Deputy Gov^r of Pensilvania.

Indorsed.

Pensylvania. His Majesties Instruction to take Security from all Privateers to observe ye Marine Treaty between G^t Britain and Holland. 13th Apr. 1743.

Directed.

To our Trusty and Welbeloved George Thomas, Esq^r, Deputy Governor of our Province of Pensilvania, in America, and in his absence, to the Commander in Chief of our said Province for the time being.

REPORT TO COUNCIL ON FORTIFICATIONS IN PENNA., 1743.

At the Council Chamber, Whitehall, the 2^d day of June, 1743.

PRESENT :

Their Excellencies the Lords Justices in Council.

Upon reading at the Board a Report from the R^t Hon^{ble} the Lords of the Com^{tee} of Council for Plantation Affairs, Dated the 11th of last Month, in the Words following, Viz^t :

“His Majesty having been pleased by his Order in Coⁿ of the
 “18th of Jan^{ry} 1741, to refer unto this Com^{tee} the humble Petition
 “of divers Merchants & others, Inhabitants of the Province of Pen-
 “silvania, in America, in Behalf of themselves and great numbers
 “of others residing in the s^d Province, setting forth, that the Pro-
 “vince of Pensilvania (now grown very populous, & carrying on a
 “considerable trade,) is without Fortifications, destitute of Arms
 “and Ammunition, & the People under no obligations to Military
 “Duty, That the Province lyes exposed to the attacks of the French
 “by Land, & the City of Philadelphia, where the Wealth of it
 “chiefly centers, easy of access by Sea, is incapable of resisting even
 “the Force of a few Privateers, That the Proprietors & the Lieut^{ts}
 “Gov^r have used the utmost of their Endeavours that the Province
 “should be put into a posture of Defence, but all means have been
 “rendered ineffectual by the opposition of the people called Quakers
 “(a few prudent & moderate men of that Society excepted,) who,
 “tho’ they are not one third part of the Inhabitants, by applications
 “to the Religious Scruples of some, & by alarms of expence & danger
 “to Liberty from every thing Military to others, have procured such
 “a majority of their perswasion to be returned to the Assembly, as
 “was never known since the first settlement of the Province, which
 “the Petitioners have great reason to believe they will preserve dur-
 “ing the War, without his Ma^{ty}s gracious Interposition. That the
 “Civil Powers, without a well regulated Militia, will be too feeble to
 “repell an Insurrection of their Slaves, already grown very numer-
 “ous, sho^d they attempt the destruction of the Inhabitants, as they
 “have done of some of the neighbouring Colonys. That they have
 “great numbers, sufficient to resist any Armament likely to be sent
 “against them, were the people prepared for Defence, but in their
 “present Circumstances, especially in case of a rupture with France,
 “they apprehend nothing can be expected but ruin to them, and the
 “loss of a flourishing and valuable Colony to his Ma^{ty} & the British
 “Nation. That they cannot but lament, that they only, of all his
 “Ma^{ty}s Subjects, are so unhappy as to have their Branch of the Le-
 “gislation composed of a people whose declared Religious Princi-
 “ples deny them that security which is the main end of Society.
 “Therefore, after repeated applications made by them to the Assem-

bly, the Petn^{rs}, encouraged by his Ma^{ty}s gracious and paternal care
“ for the remotest part of his Subjects, do most humbly pray & be-
“ seech his Ma^{ty}, as the only resource left, that he would be gracious-
“ ly pleased to order, for the safety of this Province, what in his
“ great Wisdom shall be thought meet & convenient. The Lords of
“ the Committee, in obedience to his Ma^{ty}s s^d Order of Reference,
“ did on the 19th of February following, take the s^d Petition into
“ their Consideration, & thought proper to refer the same to the
“ Lords Comm^s for Trade & Plantations, with directions to them to
“ inspect the Charter granted to the Proprietors, together with the
“ Laws of the Province, & to procure such other lights as might en-
“ able them to report to the Com^{tee} whether the s^d Province is not
“ obliged to provide for its own security and defence, & likewise to
“ report what they conceived proper to be done upon this Petition,
“ Whereupon the s^d Lords Comm^{rs} have reported to this Com^{tee} that
“ they have inspected the Charter & Laws of the s^d Province, &
“ have also heard Counsel, as well on the Behalf of the Petn^{rs} as of
“ the Assembly of the s^d Province, and that, upon the whole, they
“ were of opinion, that the Province of Pensilvania is obliged to pro-
“ vide for its own security & defence, not only from the nature of
“ Society, but likewise from the terms of their Charter, & that they
“ see no reason why this Colony should be exempted from the gene-
“ ral custom of all other Colonys in America, more especially as there
“ is no law subsisting that gives them any such Right of Exemption,
“ The Law concerning liberty of Conscience relating merely to mat-
“ ters of Religion, and not to affairs of Governm^t, and that, to what
“ was insisted on by the Counsel for the Assembly, that their Pro-
“ prietor was alone, obliged, in case of Emergency, to be at the ex-
“ pence of providing for their Security, founded upon a clause in the
“ Charter which gives him all the powers usually granted to any other
“ Captain General; The said Lords Comm^{rs} are of opinion, that their
“ Proprietor is no more obliged to be at that expense, than the Gov^r
“ of any other Colony, who has the like power in his Commission :
“ The said Lords Comm^{rs} therefore humbly propose, that his Ma^{ty}
“ may be graciously pleased to instruct the Deputy Gov^r to lay be-
“ fore his Ma^{ty} what he apprehends may be necessary for the securi-
“ ty of so valuable a Colony; and that in the mean time he be di-
“ rected to provide, in the best manner he can, for the Security of
“ the said Province. The Lords of the Com^{tee} having, upon the ap-
“ plication of the Agent for the said Assembly, granted to him a
“ copy of the s^d Report, & the s^d Agent having thereupon petitioned
“ the Com^{tee} for leave to be heard against the same. The Commit-
“ tee was this day attended by Counsel in Behalf of the s^d Assem-
“ bly, as also in Behalf of the first Petn^{rs}, the Inhabitants of the s^d
“ Province, in support of the s^d Report; And, having heard all that
“ they have to offer in Relation thereto, Do Report to your Excel-
“ lencies that they agree with the Lords Comm^{rs} for Trade & Plant^{ns}
“ in the first part of their Proposal, ‘ That it may be adviseable for

“Your Excellencys to order an Instruction to be sent to the Deputy
 “Gov^r of Pensilvania, to lay before His Mat^y what he apprehends
 “may be necessary for the security of so valuable a Colony.”

Their Excellencys the Lords Justices, this Day, took the s^d Report into Consideration, and were pleased, with the Advice of his Mat^ys Privy Council, to approve thereof, and to order, as it is hereby ordered, that the Lords Comm^{rs} for Trade and Plantations do prepare the Draught of an Instruction, to be sent to the Deputy Gov^r of Pensilvania, agreeable to what is proposed by the s^d Report, & lay the same before their Excellencys at this Board.

W. SHARPE.*

Indorsed.

2 June, 1743. Order of the Lords Justices in Council, for preparing the Draught of an Instruction, to be sent to the Deputy Gov^r of Pensilvania, to lay before his Majesty what he apprehends may be necessary for the Security of that Colony.

SETTLERS ON MARSH CREEK WHO OBSTRUCTED THE SURVEY, 1743.

- | | |
|------------------------|---|
| 1 WM. McLELAN | 9 EDWD. HALL, |
| JOS. FARRIS, | 10 WM. EDDY, |
| HUGH McCAIN, | 11 JAMES WILSON, |
| 2 MATW. BLACK, | 12 JAMES AGNEW, |
| 3 JAM. McMICHILL, | JOHN STEEN, |
| 4 ROBT. McFARSON, | JOHN JOHNSON, |
| WM. BLACK, | JOHN HAMILTON, |
| JOHN FLETCHER, JR., | 13 HUGH VOGAN, |
| 5 JAMES AGNEW, COOPER, | JOHN McWHARTER, (says |
| HENRY McDONATH, | he shall move soon,) |
| JOHN ALEXANDER, | HUGH SWAINY, |
| 6 MOSES JENKINS, | TITUS DARBY, |
| 7 RICHD. HALL, | 14 THOMAS HOOSWICK declares |
| RICHD. FOSSETT, | y ^t if ye Chain be spread again he |
| ADAM HALL, | wou'd stop it, and then took ye |
| JOHN EDDY, | Compass from ye Surv. Gen.† |
| 8 JOHN EDDY, JR., | |

Indorsed.

Settlers on Marsh Creek who obstructed ye Survey.

* See Col. Rec. Vol. IV. p. 670. See p. 636.

† See p. 625.

ADDITIONAL INSTRUCTIONS TO GOV. THOMAS ON FORTIFICATIONS, 1743.

To their Excellency's the Lords Justices.

May it please your Excell^{ys},

In obedience to your Excell^{ys} Commands, Signified to us by your Order in Council dated the 2^d Instant, we have prepared the Dr^t of an additional Instruction for George Thomas, Esq^r, Deputy Gov^r of Pensilvania, directing him to lay before his Msty what he apprehends may be necessary for the Security of that Colony, & humbly take leave to lay the same before your Ex^{cs}, which is most h'bly submitted.

MONSON,
M. BLADEN,
R. PLUMER,
B. KEENE.

Whitehall, June 8th, 1743.

Indorsed.

8 June, 1743. Copy Lords of Trade's Report & Dr^t of an Instruction to the Gov^r of Pensilvania.

BY THE LORDS JUSTICES,

IO CANT. HARDWICKE, C. HARRINGTON, P. GOWER, C. P. S.
BOLTON TWEEDDALE.

Additional Instruction to George Thomas, Esq^r, Deputy Governor of his Majesty's Province of Pennsylvania, in America, Or to the Commander in Chief of his Majesty's said Province, for the time being. Given at Whitehall, the 7th [L. S.] Day of July, 1743, in the Seventeenth Year of His Majesty's Reign.

Whereas, Application has been made to his Majesty in Council, by divers Merchants and others, Inhabitants of the Province of Pennsylvania, setting forth, that the said Province is without Fortifications, destitute of Arms and Ammunitions, and the People under no Obligations to Military Duty, and humbly praying that His Majesty would be graciously pleased to order for the Safety of the said Province, what, in His great Wisdom, shall be thought meet & convenient. It is, therefore, His Majesty's Will and Pleasure, and you are hereby directed and required, to lay before His Majesty what you apprehend may be necessary for the Security of the said Province.*

J. C. H. C. G. C., P. S. B. T.

* See p. 633.

Indorsed—7 July, 1743. Additional Instruction for George Thomas, Esq^r, Deputy-Governor of Pensilvania, to lay before his Majesty what may be necessary for the Security of that Province.

RICHD. PETERS TO THOMAS COOKSON—DIGGES, 1743.

Sir,

Mr. Digges has an irregular Piece of Land at Conewago, by a Maryland Survey, and applies for such a Quantity all round it, as may bring it within Straight Lines, but upon such Terms as I am not at liberty to grant a Warrant, however, you may, at his Request, survey for the use of the honourable Proprietaries, so much as he shall shew you, the price to be left to the Proprietaries, to whom I shall write by the next Conveyance. I am, Sir,

Your humble Servant,

RICHARD PETERS.

Philad^a,

18 July, 1743.

Directed—To Thomas Cookson, Esq^r, at Lancaster.

ADMIRALTY TO JUDGE HAMILTON, IMPRESSMENTS, 1743.

Admty Office, 19th August, 1743.

Sir,

My Lords Comm^{rs} of the Admiralty, having had frequent Complaints made to them by the Commanders of His Maj^{ty} Ships and Vessels in America, that they are often interrupted in their endeavours to procure Seamen to make up their Complements, in order the better to enable them to execute their Lordships' Instructions for protecting the Trade of the Colonies they attend on, and Annoying the Enemy, and it appearing to their Lordships that the obstructions the Captains meet with from the Inhabitants in America, and Masters of Merchant Ships trading there, is chiefly grounded upon an Opinion prevailing among them, that the American Act, made in the Reign of Queen Ann, prohibiting the Pressing in America, is stil in Force. I am commanded by their Lordships to send you the inclosed Opinions of Sir Edward Northey, his late Maj^{ty} Attorney General, and of Sir Dudley Ryder, Attorney, and Sir John Strange, Solicitor General, by which you will plainly see that the American Act, on which the Inhabitants and Masters of Merchant Ships lay so much Stress, expired at the end of the late French War.

Their Lordships hope that when these Opinions come to be better known in the Colonies, and that the People there are sensible that His Maj^{ty} Ships want Men for no other use than to protect their

Trade and Settlements, and guard them from their Enemies, there will not be any more such Disputes raised, and obstructions given to the necessary work of Manning them, and their Lordships recommend it to you to settle Men's Minds on this point, as you see occasion, and to give all necessary Assistance to his Majesty's Officers.

I am,

Sir,

Your most humble Servant,

THO. CORBETT.

Ex^d,

Andrew Hamilton, Esq^r, Judge, V. A., Pensilvania.

Indorsed—19th August, 1743, Letter from Thomas Corbett, Esq^r, to Andrew Hamilton, Esq^r, enclosing the Opinions of several eminent Lawyers, relating to the American Act for pressing of Seamen.

OPINION OF ATTORNEYS GENERAL ON AMERICAN ACT, 1743.

Copy of the Opinion of the late Sir Edward Northey, his Maj^{ty}s Attorney General, in relation to the American Act dated the 10 Febr^y, 1715-16.

I am of Opinion the whole American Act was intended, & appears to have been intended only for the War.

EDWARD NORTHEY.

Copy of the joint Opinion of Sir Dudley Ryder, Attorney, & Sir John Strange, Solicitor General in relation to the American Act, dated the 17th July, 1740.

We have perused the several Clauses in the American Act, & by comparing the several Clauses together, It seems to Us that the Act is not now in force, but expired at the end of the War.

D. RYDER,

J. STRANGE.

ADMIRALTY TO GOV. THOMAS ON IMPRESSMENTS, 1743.

May it please Your Excellencys :

The Difficulty of keeping His Majesty's Ships of War, that are employed in America, sufficiently manned to perform the Services they are sent on, is in its self great, from the unavoidable Causes of Death and Desertion, the latter of which is grown familiar among the Seamen, either for the sake of high Wages given by the Mer-

* See annexed opinions.

chants, or from their own natural Levity. But the Obstructions given by the People of those Colonys to the usual Methods of pressing made use of by the Captains of His Majesty's Ships, to recruit their Complements, have of late been so violent, & carried on with such Instances of Contempt of Government, & such personal ill Treatment of the Captains, that we think it incumbent on us humbly to lay before your Ex'cys, in the annexed Paper, Copys of the Complaints we have received from the said Captains on that Head, within little more than the Space of a Year past, whereby your Ex'cys will perceive, that some of the said Captains have been mobbed, others emprisoned, & afterwards held to exorbitant Bail, & are now under Prosecutions carried on by Combination, & by joint Subscription towards the expense.

The chief Reason we can find for such Opposition is a Belief prevailing among the People there, that the American act made in y^e War of Queen Anne, which forbid pressing in America, is still in Force.

We have sent to the respective Governors & Judges of Vice Admiralty in all the Colonys, the Opinion of Sr Edward Northey, & of the present Attorney General, & of Sr John Strange, all agreeing that the said American Act expired with the War, in which it was made, Copys of which Opinions, & of the Letters accompanying the same, to the Governors & Judges of the Vice Admiralty, are annexed.

In the Press-Warrants, which we give to the Captains of His Majesty's Ships in America, they are strictly required not to distress either the Merchant Ships, or the Privateers, Copy of which Warrant is annexed, & the Captains inform, that it is their usual way, to take only one Man out of five or six, & if they have any Spanish Prisoners, they allow them one for each Englishman so prest, to assist in navigating the Merchant Ship home to England.

The Governors of the Colonys, appear indeed, to show a Disposition, to help the Captains of His Majesty's Ships to get Men, when they apply to them, but whether that Disposition be real, or whether they want Authority, the Captains find little or no Help from them to procure Seamen, nor even to protect them from the Rage and Insults of the People.

The Consideration therefore of the many ill Consequences, that may attend His Majesty's Service, if the Captains of the Men of War, are liable to be thrown into Jail, abroad in the Plantations, by any disaffected Persons, at a time perhaps, that they are going on some Expedition, or Service of Importance against the Enemy, & always, while they are in the Execution of their Orders, to protect the Colonys & their Trade; That such ignominious Usage exposes their Commission to Contempt, & makes them less able to maintain their Command on board His Majesty's Ships with Honour & Discipline, & also, that while the Opinion remains of the American Act being in Force, it will be impossible for his Majesty's Ships to re-

cruit the Deficiency of their Complements, are our Reasons for humbly laying this matter before your Exc[']ys, to whom it is humbly submitted.

WINCHILSEA,
J. COKBOURNE,
BALTIMORE,
GEO. LEE.

Admiralty Office,
26th Sept^r, 1743.

To their Excys, the Lords Justices.

Indorsed—Copy of the Representation of the Lords of the Admiralty to their Exc[']ys, the Lords Justices. 26th Sept^r, 1743.

ORDER RESPECTING PRESS WARRANTS, 1743.

Copy of an Order from the Lords Com^{rs} of the Admiralty, to the several Captains of His Majesty's Ships in America :

Whereas, You will herewith receive Press Warrants, to enable You to raise Men for keeping up as much as possible the complement of the Ship under Your Command. You are hereby required and directed, to put the same in Execution for that purpose, as there shall be occasion. But as it is not meant, that the Trade of His Majesty's Subjects in America, or Ships provided with Letters of Marque, to Cruize against the Enemy, should be distressed thereby, but only that such prudent Use be made of the said Press Warrants, as may enable You to procure Men to make up your Complement, when proper Opportunities offer of it. You are to take great Care, that no Indiscreet or Unreasonable Use be made of them, and never to molest the Chief Officers, such as the Master, Mate, Boatswain or Carpenter, or any Seaman found on board, with protections granted by Us, pursuant to Act of Parliament. Given under our hands, &c.

Indorsed—Copy of an Order to the Captains of His Majty's Ships in the West Indies. In the Lords of the Admty^r, of Sept^r 26th, 1743.

ANDREW STONE TO GOV. THOMAS, IMPRESSMENTS, 1743.

Whitehall, Oct^r 1st, 1743.

Sir,

I am commanded by their Excellencies, the Lords Justices, to transmit to You, herewith, a Representation from the Lords Commiss^{rs} of the Admiralty, Setting forth the Obstructions given by the Inhabitants of His Majesty's Colonies & Plantations in America, to the Captains of His Majesty's Ships of War, in procuring Men to recruit the Complements of Their Ships, and in retaking such Sailors as have deserted from them, and Complaining particularly, That Several of the said Captains had been insulted by the Populace, and forced to release such Men as They had impressed, and even Deserters from Their own Ships, and that other Captains had been imprisoned, or forced to give exorbitant Bail upon Actions brought against Them for impressing Seamen, Which Proceedings their Lord^{sh} represent to be occasioned by a Notion prevailing in those Parts, That the Act of Parliament, which passed in the Reign of the late Queen Anne, (and which is commonly called The American Act, by which the Impressing Men for the Sea Service in America was prohibited) is still in Force; Whereas, You will see by the Copys annexed to the said Representations of the Opinions signed by S^r Edward Northey, Attorney General to His late Majesty, and by S^r Dudley Ryder, His Majesty's Attorney General, and S^r John Strange, late Solicitor General, That the said Act is not now in Force. And I am therefore commanded to signify to You, Their Excellencies Directions, That You should exert Your utmost Authority in preventing, for the future, such Riots and Disorders, as are complained of by the said Representation, And That you should assist the Commanders of His Majesty's Ships in procuring Seamen, to make up Their Complements whenever They shall make Application to You for that Purpose, as also in retaking Deserters from the said Ships.

I am,

Sir,

Your most obedient
humble Servant,
ANDREW STONE.

Dep^{ty} Governor of Pensilvania.

COPY OF INDIAN DEED FOR NEW JERSEY LANDS, 1743-4.

THIS INDENTURE, made the twenty first Day of February, One Thousand seven hundred and forty three, Between Weshevankun, Jehokemun, Gooteleeke, and Capt John, of the One part, and Talaw Nemun of the other part, Witnesseth, That the said Weshevanakun, Jehokemun, Gooteleke, and Captain John, hath given and granted,

And by these presents do give and grant unto the abovesaid Telaw Nemun, and to his Heirs, Administrators, and Assigns One half of a Certain Tract or Parcel of Land lying and being at Edg Harbour, between Mount Holly and Croswicks, and also what other Lands shall be found by Tundy Tatamy and Captain John, appointed to make Discovery thereof, (The aforesaid Weshevanakun, Jehokemun, and Gooteleeke, and Captain John) do give and bequeath unto the above named Talawnemun, and to Heirs for ever, To have and to hold the said half of the said Tract or Parcel of Land, to him & his Heirs for ever. And, Whereas, The said Weshevanakun, Jehokemun, and Gooteleeke, hath appointed the aforementioned Tundy Tattamy and Cap^t John, with full Power and Authority to sell and dispose of all or any part of the said Land, and that the One half of the Money for which any part or Parcell of their said Land shall be sold, for they freely give and bequeath unto the said Telawnemun, and to Heirs and Assigns for ever, To the only Use and Behoof of the said Telawnemun, and to his Heirs and Assigns for ever. In Witness whereof, The said Parties have set their Hands and Seals, the Day and Date above written.

Test. CHAS. MAYCOCK,	His WESHEVA ✕ NAKUN, [L. s.] mark.
TETEUSCUN,	His JEHOKE ✕ MUN, [L. s.] mark.
NELQUETHUN.	His GOOTE ✕ LEEKE, [L. s.] mark.
	His CAPTAIN ✕ JOHN. [L. s.] mark.

Indorsed.—Indians.

Teteusecum's Paper, dated 21st Febr^y, 1743.

Assignment Endorsed, dated 21st Febr^y, 1743.

Delivered, 26th Apr^y, 1755.

One is delivered to Governor, who promised to enquire into it & assist.

* See page 631.

DEPOSITION ALEX. ARMSTRONG, &c., 1744.

Paxton, April the 19th, 1744.

The Deposition of the Subscribers Testifieth and Saith, that the Subscribers having a Suspicion that John Armstrong, Trader, Together with his Men, James Smith & Woodworth Arnold, were Murther'd by ye Indians. They met at the House of Joseph Chambers in Paxton, and there Consulted to go to Samokin, To Consult with the Delaware King & Secalima & their Council, what they should do Concerning the Affaire. Whereupon the King & Council Ordered Eight of their men to go with the dep^{ts} to the House of James Berry, in Order to go in Quest of the Murther'd persons; but that Night they Came to said Berry's House, three of the Eight Indians ran Away, And the Next Morning these Dep^{ts}, Together wth ye five Indians that remain'd, Set on their Journey Peaceably to the last Supposed sleeping place of the Deceased, and upon their Arrival, these Dep^{ts} dispersed themselves in Order to find out the the Corps of the deceased, & one of the Dep^{ts} Named James Berry, a Small Distance from the afores^d sleeping Place Came, came to a White Oak Tree which had three Knotches on it, & Close by s^d Tree he found a Shoulder Bone, (which these Dep^{ts} does Suppose, to be John Armstrong's, And that he himself was Eating by the Indians) which he carried to the afores^d sleeping place and Showed to his Companions, one of which handed it to the s^d five Indians to know what bone it was, & they, after passing different Sentiments upon it, handed it to a Delaware Indian, who was Suspected by the Dep^{ts}, and they Testify & Say, that as Soon as the s^d Indian took the bone in his hand, his Nose Gushed out with Blood, & he directly handed it to Another, from whence these Dep^{ts} steered along a path about three or four Miles to the Narrows of Juniata, where they Suspected the s^d Murther to be Comited, & where the Allegany Road Crosses the Creek. These Dep^{ts} Sat Down in Order to Consult on what Measures to take in Order to proceed on a Discovery, Whereupon most of the White Men, These Dep^{ts} Cross't the Creek again, And went down the Creek and Crost into an Island where these Dep^{ts} had had Intelligence the Corps had been Throwne; And There they Met the rest of the White Men & Indians who was'in Company, & there Consulted to go further down the Creek in Quest of the Corps, & These Dep^{ts} Further Saith, they Ordered the Indians to go down the Creek on the Other side, but they all Followed these Dep^{ts} at a Small distance, Except one Indian who Cros't the Creek again, & Soon After these dep^{ts} Seeing Some Bawld Eagles and Other Fowles, Suspected the Corps to be thereab^{ts}, And thereab^{ts} lost Sight of the Indians, & Imediately found one of the Corps, w^{ch} these dep^{ts} Says was the Corps of James Smith, one of s^d Armstrong's Men, And Directly upon finding the Corps, these Dep^{ts} heard three Shotts of Guns, which they had great Reason to Think was the Indians, their Companions, who had deserted from them, and in order to let him know they had found the Corps, these dep^{ts} fired three Guns, but to no purpose, for

they Never Saw the Indians any More, and Ab^t Quarter of a Mile farther down the Creek, they Saw More Bawled Eagles, whereupon they made down towards the Place, where they found another Corps, (being the Corps of Woodworth Arnold, the other Serv^t of s^d John Armstrong) lying on a Rock, and then Went to the Former Sleeping place, where they had Appointed to meet the Indians, but Saw No Indians, Only that the Indians had been there & Cooked Some Victuals for themselves and had gone off. And that Night these Depth further says they had great Reason to suspect that the Indians was then Thereab^t, and Intended to do them some Damages, for a Dog these Dep^{ts} had with them Barking that Night. which was remarkable, for the s^d Dog had not Barked all the time they was Out till that Night, nor never since, which Occasioned these Dep^{ts} to stand upon their Guard behind Trees, with their Guns Cock'd that Night. Next Morning these Dep^{ts} went back to the Corps, which they Found to be Barbarously and Inhumanly Murthered by Very Gastly and deep cuts on their Heads with a Tomahawk. or such Like Weapon, which had sunk into their Sculs & Brains, & in one of s^d Corps there appears a hole in his scul near the cut, which was supposed to be with a Tomahawk, which these Dep^{ts} does believe to be a Bullet hole. And these Dep^{ts}, after taking as Particular a View of the Corps as their Melancholy Condition would Admit, they Buried them as decently as their circumstances would Allow, and returned home to Paxton, the Allegany road to John Harris^r, Thinking it Dangerous to return the same Way they went Out: and Further These Deponents saith not.

These s^d Depo^{ts} being legally Qualified before me, James Armstrong, one of his Majesties Justices of the Peace for the County of Lancaster, have hereunto set their hands in Testimony Thereof.

JAS. ARMSTRONG.

ALEXD^r ARMSTRONG,
THOMAS McKEE,

his

FRANCES \bowtie ELLIS,

mark

JOHN FFORSTER,

his

WILLIAM \bowtie BASKINS,

mark

his

JAMES \bowtie BERRY,

mark

JOHN WATT,

JA^s. ARMSTRONG,

DAVID DENNY,

* This murder is mentioned in Vol. IV. p. 675, and postea. See also 679-685.

JOHN DIGGES TO R. PETERS, 1744.

little Conewago, April 20th, 1744.

Sr:—

I have waited at this place Some time by Appointmt. Mr Cookson, in Order to have my Lands ran round, that y^e vacancy Included within Said lines might be reserv'd for the prop^{rs} own use, according to Y^e Instructions sent him by me :—He proposes it now in a different manner, but assures I may have the preference of any vacancy adjoining w^{ch} will Equally Content me.

I hope therefore, Sr, you'l please not to Grant to any other person until I mark & make known my lines, w^{ch} Expect Shall have done in three months at farthest.

I am, Sr,
Yo^r Obed^t
humble Serv^t,

JOHN DIGGES.

Indorsed.

To Rich^d Peters, Esq^r, Secretary, Pensilvania. Per y^e favor
Tho^s Cookson, Esq^r.

COPY OF GOV. THOMAS TO GOV. OGLE, 1744.

Sr:—

Having received Several Complaints of One Mr Digges, a Gentleman of your Province, at Conewaga, over Sasquehanna, of Practices which have a Tendency to promote Breaches of the peace in that part of y^e Country, which is at least four Miles to y^e Northward of y^e Temporary line. Mr Cookson, the Surv^r of that County, went to Serve Mr Digges with a Copy of y^e Royal Order of y^e 25th May, 1738, for Preserving peace upon y^e Borders of y^e two Governm^{ts}, And notwithstanding this, The people Still Complain that he Continues his Disturbances in direct Violation, as is represented to me, of that his Majesties Order.

If Mr. Digges has any just Claims to Lands there, which may be disputed by the possessors—as The 3^d Paragraph of y^e Royal Order points out y^e Method of Adjusting such Disputes, I am persuaded you will therefore put a Stop to any proceedings y^t may be resorted to.

Indorsed.

Lieut. Gov^r Thomas, concerning the Claims of Digges.*

* See Jno. Digges's letter, above.

PENNSYLVANIA ARCHIVES 1744.

THOMAS COOKSON TO GOV'R., 1744.

Hon^d Sir :

Just now is brought to this place Jn^o. Massemeelin, a Delaware Indian, who, having Confessed the Murder of John Armstrong & Woodward Arnold, one of his Men, And that John, a Son of Neshalleeny, another of the Delawares, killed James Smith, another of J. Armstrong's Men, was (after a Council held by Shickalamy & y^e other Indians, at Shamokin,) Adjudged Guilty of y^e s^d Murders, And was Sent down with y^e s^d Indian John, by Shicallamy's Sons & some other Indians, into the Settlements. But on their Coming to James Berry's ab^t forty Miles above John Harris's, on Sasquehanna, Shicallamy's Sons apprehensive of the resentment of Neshalleeny's Friends ag^t their Father for thus delivering up the Young Man who was in great Esteem with them, thought it most prudent to release him & deliver up Massemeelin only, for y^e present, in Order to be Secured & Receive his Punishm^t. He Speaks English well, and gives this Short Account of the Tragical affair ; That He & Jn^o, Son of Neshalleeny, with another Young Delaware called Billy, had been out a Hunting together in y^e Fall ; That ab^t the Middle of Ffebruary last, Jn^o. & Billy went down to a place that had been Settled by a Dutchman on Chiniotta Creek, & there Saw J. Armstrong, & his two Men, going back into the Woods with goods, & had some discourse with them ; That afterwards Jn^o. & Billy joined Massemeelin, & told him that J. Armstrong & two Men were going into y^e Woods with Goods, And that they had a Mind to kill them, & asked him to join with them, to which he readily assented ; That ab^t two days after the Indians had Seen Armstrong at y^e Dutchman's Settlement, they came up with them, And Massemeelin went up to J. Armstrong & asked him for some Wampum he had pledged with him, or Satisfaction for it, & also a Horse that he said Armstrong, had taken from him in y^e fall, on account of a small debt due to him : Some hot words arose upon this, & Armstrong took up a Stake & Struck him, on which He Struck Armstrong with his Tomhawk on the Temple & he dropt dead on y^e Spot. Arnold, one of Armstrong's Men, Attempted to make a Blow at Massemeelin with an Axe, But he retired to his Gun where he had lodged it ready loaden & Shot him, & afterwards wounded him in the head with his Tomhawk. Neshalleeny's Son, with his Tomhawk killed James Smith, after which they buried J. Armstrong & threw the Bodies of y^e other two into Chiniotto Creek, And made a place in y^e ground to hide the Goods & Covered them up, Except 6 Strouds which Neshalleeny's Son took away, & five which Billy took. Massemeelin having got drunk made y^e discovery & was Secured. I shall Order him to be kept Safe in Our Goal here till Your Honour shall be pleased to give Some Orders about him. He expects to be kept till the Indians Come down to y^e Treaty, That he may be executed in their way. He thinks it very hard that the other Indian shou'd be

released, & that the reason assigned by Shicallamy's Sons was not y^e true reason, But this is referred to y^r Honour's Consideration. I must beg pardon for want of Accuracy in this Accot, not being willing to deferr y^e first opportunity which now offers by Mr. Stephens, who waits impatiently on his private Business.

I am,

Y^r Hou^{rs} most Obed^t

hu'ble Serv^e.,

THO. COOKSON.*

Lancaster, 22 April, 1744.

ALEXANDER AMRSTRONG TO INDIANS, 1744.

To Alimoppus, King of the Delawares.

Great Sir : as a parcel of your men have murdered my brother and two of his men, I write to you, knowing you to be a king of Justice, that you will send us in all the murderers and the men that was with them, as I looked for the Corpse of my murdered brother, for that reason your men threaten my life, and I cannot live in my house : now as we have no inclination or mind to go to war with you, our friends, as a friend I desire that you will keep your men from doing me harm, and also send the murderers and the Companions. I Expect an Answer, and am your much hurted friend and brother,

ALEXANDER ARMSTRONG.†

-Ap^l. y^e 25th, 1744.

we have sent

John Mashamelen
to Goal.

ALEXANDER ARMSTRONG TO THE INDIANS, 1744.

To Sicalamous, the King's great Counciller :

My Great friend,—I write to you as you are a man that I hope will do your friends good ; now, my brother is murdered, & his men, by the Delawares ; I desire that you will send us all the murderers and the men that Joyned with them, and as we do not want to fall out or quarrel with you without you make us do it, I desire that you

* See Col. Rec. Vol. IV. p. 675, 678.

† See Col. Rec. Vol. IV. p. 679--80.

will Endeavour to send us all your men that are guilty of the murder, and the men that Joyned with them.

I am your hurted friend & brother,

ALEXANDER ARMSTRONG.

April y^e 25th, 1744.

We have sent John Mashamelen to Goal, and he says that Nishalenerd's son killed Smith, and he is not willing to die till the rest are brought in to him.

Direction.—To Sicalamus, the great Councillor for the Mingoes.

DUKE OF NEW CASTLE TO GOV. THOMAS, 1744.

Whitehall April 26th, 1744.

Sir:

You will receive, at the same time with this Letter, one from the Commissioners, whom His Majesty has been pleased to appoint for Distributing the Moiety of the Prizes, taken from the Spaniards between the 10th Day of July, 1739, and the 19th of October, then following, by any of His Majesty's Ships of War, Desiring, That you would take Care That publick notice be given, in all Parts under your Jurisdiction, to the Agents for the Captors of all such Prizes, taken as aforesaid. and to all other Persons, whom It may concern, immediately to furnish the said Commissioners with authentick Accounts of all Transactions, relating to the said Prizes, And also to pay to the said Commissioners the full Moiety of their respective Accounts, in order to enable Them to carry into Execution His Majesty's most gracious Intentions towards Such of His Subjects as have suffered by the unjust Seizures and Depredations of the Spaniards. I refer you to the Letter, which You will receive from the Commissioners, for a more particular Explanation of what may be desired to be done on your Part, in this matter; And am to signify to You His Majesty's Pleasure, That you should do every Thing in your Power to enable Them, in the most effectual manner, to execute their Commission.

I am,

Sir,

You most obedient

humble Servant,

HOLLIS NEWCASTLE.

Endorsed—April 26th, 1744, Duke of Newcastle's Letter to Gov. Thomas, relating to the Letter to the Gov^r. from the Comm^{rs}. appointed for distributing the Prize money.

CONRAD WEISER TO R. PETERS, 1744.

Sir:

Here I Send the Copy of my transaction at Onontago last year; by over looking the Same again, I find it is Just so as I put things down in Onontago, partly for my own memorandums and satisfaction. I should have made it shorter before I layd before the Governor; there is Several things mentioned which are only Ceremonies and meer triffling to an European Idea, as the Indian always observe Such things. Just now I heard that Olumapies & Shikelimo had sent a Delaware Indian to prison for having Killed an Indian trader. John Harris' wife told my son so, who Came from there Just now; I think it happened well, I was not at home when the foresaid Chiefs sent for me; they would perhaps have loaded me with a Commission to Settle the thing with the Government, but now the Burthen remained upon their shoulder, and had no other way to unload them then to deliver up the transgressor; the particulars I have not, only as it has been said for some time ago that John Armstrong was killed, of which I heard before I came to Philadelphia the last time. I Impatiently Expect Shikelimo with news of the Indians; I think nothing happened to prevent their Coming, they would have sent before now to let us know.

I remain with my humble respects,

Sir,

Your very obliged,

CONRAD WEISER.

Tulpehokin, April
the 26th, 1744.

P. S. April the 28th, last night I received yours of the 26th, with the Governor's Command. I am allways willing to Comply with his Honour's Commands, but could have wished they might have been delayed till after Court, where my presence by many is required on some particular occasion. But as the Command is pressing. and can not be delayed, I am preparing to set out to-morrow morning for Shamokin. I will use the best of my Endeavours to have the Governor's and Councils request answered to Satisfaction, by delivering up the two Indians & the goods. I wish you had sent me a Belt of wampum in Such occasion; it is customary to use Blake wampum, or at least one half. I hope I shall be able to get Some of Shikelimo to make use of to the Delawares. I am afraid the two Indiaus have made their Escape far Enough before now; Some other methods must then be made use of. I desire the favour of you to write a few lines to me against my return from Shamokin, to let me Know whether my presence in Philadelphia is Expected, or whether I can send down in writing the accounts of my Success

if it Should happen that the Indian Could be got to be delivered to
me. fare well, I am,

Sir, yours,
C. W.

Upon a Second thought I Intend to Come to Philadelphia, God willing, as Soon as I return from Shamokin, because I understand Mr Collaway wants to see me.

For Mr Richard Peters, Secretary to the Government, in Philadelphia.

Indorsed—Conrad Weiser's letter in answer to mine, wrote by order of y^e Gov^r in Council, April 1744.

RICHARD PETERS TO CONRAD WEISER, 1744.

Philadelphia, April 26th, 1744.

Sir :

I received yours by Unroe, and have it in charge from the Governor to send a special Messenger to you, but by the advice of William Parsons, I trust this George Unroe, and give him Ten Shillings to deliver you this Letter to-morrow, without fail.

It is certain that John Armstrong, Woodward Arnold, and James Smith, were Murdered at Juniata, by John Musseemelin, John, a Son of Neshalleeny, and one Billy, three Delaware Indians. That John Musseemelin, and John, son of Neshalleeny, were seized, try'd and condemn'd, by Shick Calamy in Council, and sent to Lancaster under the Conduct of Shick Calamy's Sons, to be delivered up to Justice. That accordingly, John Musseemelin was deliver'd, and is in Jayl, but that Shick Calamy's Sons, suffered John, son of Neshalleeny, to escape for fear of the Resentment of his Family and Friends.*

All these Particulars are in a Letter from Mr. Cookson to the Governor, which has been laid before the Council, who have resolved that Musseemelin be sent to Philadelphia. That a special Messenger be sent to you, to require You in the name of the Governor and Council, to go to Shamokin, and to let Shick Calamy, and y^e Chiefs there, know that the Governor approves and commends the part they acted in sending the Indian murderers to be delivered up to Justice, [and that he and his People are in high Esteem with, and have merited much from the Government,] but that his Sons did very ill in suffering John, son of Neshalleeny to escape, and that you are sent express by the Government, to demand John son of Neshalleeny and Billy, to be delivered you under a strong

* See page 646; also Col. Rec. Vol. IV., p. p. 675, 678.

Guard, and to be conducted to Jayl, that they may take their Tryal for so Barbarous a Murder.

That the bodies be searched for, and decently buried.

That the Goods be likewise found, and restored to the Relations of Armstrong, deceas'd, without fraud, purloining or y^e keeping any thing back, for if this Instance of Avarice, Cruelty and Murder, be not severely revenged on all the Parties concerned, (for you know and must make Shickalamy understand, that there are no accessaries by the English Law in Murder,) all Commerce and Confidence is at an end with Indians, and from the moment a Murderer or an accessory to murder is protected, or any Goods stolen by the Murderers are detained, and not honestly and entirely return'd; from this moment, the Indians of honest, upright, and faithful Friends and Allies, become the Friends and Protectors of Villains, Enemies to Justice, and Confederates with People under the Influence of Evil Spirits, as all murderers are.

I am

Sir,

Your humble servant,

RICHARD PETERS.*

Conrad Weiser, Esq.

P. S. Mr. John Galloway will stay till he hears further from you, or till you come down. You are likewise to inform y^e Chiefs at Shamokin, y^t the Governor designs to inform y^e Chiefs of y^e 6 Nations, who are to be at hand that he, or any other y^t shall be apprehended, are to be tried, y^t a number of Indians may be deputed by them to be present at their tryal & Execution.

Indorsed—Letter to Conrad Weiser, to go to Shamokin, about y^e murder of Armstrong. May, 1744.

GOV. THOMAS TO CONRAD WEISER, 1744.

April, 28th Inst.

Sir:

I herewth send you a Copy of my Lre wrote by or^{dr} of y^e Gov^r in Council, sent you by George Unroe on Thursday, & have to add y^t y^e Gov^{rs} reasons for removing y^e Indian from Lanc^r Jayl to Philad^a Jayl, are least y^e Tryal & Execucon of Ind^{ns} at Lanc^r, might give offence to the Body of Indians, tho' their Crime be Murder, & y^e Gov^r proposes to inform y^e Indians, when y^e Tryal or Tryals are to be, y^t a Deputacon from 'em may be present at y^e Tryal & Execucon.

* See Col. Rec. vol. IV, p. 675, 679, 680.

But y^e Chief Justice, saying there must be a Jury from Lanc^r Co^{ty}, I doubt whether even yet y^e Tryal will not for y^e reason be at Lanc^r. Perhaps, you may know y^e Sentim^{ts} of y^e Indⁿ, where they would chuse y^e Tryals should be, & when, & let y^e Govern^r know, what they & you think of this removal.

Mr. Galloway has desir'd to have your Lre, & for y^e sake of y^e Paragraph relating to y^e Gov^r of Mary^{ld}, I have given it him, & he will send it as it is to Anapolis.

Y^{rs}, &c.

As you know Indⁿ Customs, you are to deliver y^e Sentim^{ts} expressed in my Ltre, in your own way, & either add or diminish, as you think proper.

To C. W., Esq^r.

DUKE OF NEW CASTLE TO GOV. THOMAS, 1744.

George R.

Trusty and welbeloved ; We greet you well. It having been represented unto Us by our Minister in Holland, That exception is taken there to that Clause in our Declarations of war against the Crowns of Spain and of France, whereby it is declared that the ships of all Nations, carrying Counterband goods to the Enemies ports, shall be liable to confiscation, under colour of which, it is apprehended there, that vessels belonging to the subjects of our good friends and allies, the States General, may come to be confiscated, on pretext of part of their cargoes being Counterband Goods, contrary to the express articles of the Marine Treaty, concluded between our Crown, and that Republick, at London, the first day of December, 1674, confirmed by subsequent Treaties ; Or, that, by a larger Interpretation, than was meant to be given to the general Words in the said Declarations, (viz : other Counterband Goods,) the Captains and Officers of our Ships of War, and others acting under our Commissions, may make prize of Dutch Ships and their Cargoes, as well in Europe as in America, upon pretence of their having on board Spanish or French Effects, tho' not Contraband ; and it being our royal Intention, that the said treaty marine, and all Engagements which subsist between us and our said good Friends and allies, should be most carefully and religiously observed ; it is, therefore, our Will and pleasure, and we do hereby authorize and empower you to enjoin all Captains of Ships to whom you shall grant letters of Marque, or commissions for private men of War, against the King of Spain and the French King and their subjects, to observe carefully and religiously the said treaty marine, and give security pursuant to the Tenth Article, for their due performance thereof. And so We bid

you Farewell. Given at our Court at St. James's the Fifth day of May, 1634, in the Seventeenth year of our Reign.

By His Majesty's Command.

HOLLES NEWCASTLE.

Directed.

To our Trusty and Welbeloved George Thomas, Esqr., Deputy Governor of our Province of Pennsylvania, in America; and in his absence, to the Commander in Chief of our said Province, for the time being.

PENNSYLVANIA.

Indorsed.

His Majesty's Letter to Gov^r. Thomas about the Confiscation of Dutch Vessels, 5th May, 1744.

GOV'R SHIRLEY TO GOV'R THOMAS, 1744.

Boston, May 12, 1744.

Sir :

I have one minute's time before the Departure of this Messenger, to inform you that late in the Evening yesterday, a vessel arrived from Glasgow, which brought a printed copy of the French King's Declaration of War, dated the 15th of March, (I suppose new style) against the Crown of Great Britain, and a written Copy of his Majesty's Declaration of War against the Crown of France, dated the last day of March,* which the Master of the Glasgow Vessel took from a printed Copy on board a Vessel which he met on his passage, both which declarations I make no doubt, are authentick.

I am

Sir,

Your most obedient

Humble Servant,

W. SHIRLEY.

Directed.

Hon^{ble} George Thomas, Esqr.

Indorsed.

Gov^r Shirley's Letter to Gov^r Thomas, dated 12th May, 1744, giving the first information of a French war.

* See Colon. Rec., IV., p. 689.

GOV. CLINTON TO GOV. THOMAS, 1744.

New York, 12 May, 1744.

Sir:

I have receiv'd by a ship Just arrived from England, a Gazette of 24 March, wherein was the inclosed paragraph, and as I imagine this to be the latest paper from thence, and that War is declared, (altho' I have no private Account of it) I doubt not but this early notice will be agreeable to you. The ship sail'd from London 16th, & being put into Falmouth by Stress of weather, pick'd up this paper. If any later account is come to your parts, I should be glad to know it, and occasionally any thing new, will oblige,

Sir,

Your most Obed^t Humble

servant,

G. CLINTON.

*Directed.*The Hon^{ble} George Thomas, Esq^r.

DISTRIBUTION OF PRIZE MONEY, 1744.

May 18th, 1744.S^r:

His Majesty having been pleased by His Royal Letters Patent, bearing date the 4th day of February last, To Constitute and appoint Us, His Commissioners for Distributing the Moiety of the Prizes taken from the Spaniards, on or between the 10th day of July, 1739, and the 19th of October then following, by any of His Majesty's Ships of War. And the better to Enable Us to execute the Powers and Authorities granted by His said Commission, has been pleased thereby to Require and Command the several Agents for the Captors and all other Persons, whom it may concern, to Observe and follow such directions from time to time, as they shall receive from Us, and to be aiding and assisting unto Us, as they will answer the contrary at their Peril: In order therefore, the more effectually to carry into execution His Majesty's most gracious intentions towards such of His subjects as have suffered by the unjust Seizures and Depredations of the Spaniards within the respective times and limitations expressed in the said Commission We find it highly expedient That the Agents for the Captors of all such Prizes taken as aforesaid, should immediately furnish Us with Authentic accounts of all transactions relating to the said Prizes, and Pay Us the full Moiety of their respective accounts. And to that purpose, We have caused

publick Notice to be given here in the London Gazettes, one of which Gazettes We send inclosed herein, and also a Letter from his Grace the Duke of Newcastle on the same Subject; whereto We crave leave to referr Your Excellency. And to the end, That none may plead Ignorance thereof, We are now to Desire Your Excellency will cause the like Notice to be given in all such parts of Your Jurisdiction, and in such manner as has been, or is now customary to publish things of the like Nature: And to use all such other means of making the same known, as to Your Excellency may seem necessary.

We are with due Respect,
 Your Excellency's,
 most humble serv^{ts},
 WM. BAKER,
 JNO. HYDE,
 ROB. JACKSON,
 JOHN CASSAMAJOR,
 EZE. HALL,
 WILLM. FAWKNER.

London, 18th May, 1744.

To George Thomas, Esq., Deputy
 Governor of His Majesty's Pro-
 vince of Pensilvania in America.

London, April 27, 1744.

By the Commissioners for distributing the Moiety of the Prizes taken from the Spaniards.

Notice is hereby given to the several Agents for the Captors of all Prizes, taken on or between the 10th day of July, 1739, and the 19th day of October following, by any Ships of War, from the King of Spain or his Subjects, or others inhabiting within any the Territories of the King of Spain, and to all other Persons whom it may concern, That, pursuant to his Majesty's Command, by his Commission bearing date the 4th day of February, 1743, they are hereby required forthwith to bring or transmit to the said Commissioners, at their Office in Aldermary Church Yard in Bow-lane, a particular and authentick Account of all such Prizes, setting forth their Value according to the Sales made, the sundry Charges attending their Condemnation and Sale, together with the neat Produce of such Prizes; and also an Account of what Part of the said Prizes, (if any) is still remaining unsold; and likewise immediately to pay to the said Commissioners the full Moiety of their respective Accounts: And hereof they are not to fail, as they will answer the contrary at their Peril.

By Order of the Commissioners,

JO. SEDGWICK.

Indorsed—18th May, 1744. Letter from y^e Comm^{rs} appointed by his Majesty for distributing the moiety of the Prizes taken from the Spaniards, on or between the 10th July, 1739, & the 19th Oct^r following, to Gov^r Thomas.

A list of all the Indians names present at the treaty held in Lancaster in June, 1744.

Onontagoes.

CANASATEGO,
TACANUNTIE,
JOHNUHAT,
CAXHAYION,
TORACHDADON,
TOKANY-HAH,
ROLIEROWUCHTO,
TAGOCHNORAGAS,
KANU-NAWA,
KAHIRODOW,
KACHNORASY,
KASICKQUA,
TIAGO-IAWATEH,
WASHKOONY,
TEKANO-UNGOH,
HANACHQUARHU,
THARACHSACHQUE,
TOKACHSONY-IOAROW,
QISDEN-UCHQUAROW,
KACHIOD-MEE-IO. (20.)

Caiyouquos.

TAGUIHSONYIUNT,
RAN-HO-HISO,
CACHVAD-ODU,
SCA-IENTIES,
HAN HAN NOWA,
KARACHIUNTIE,
TIOCHQUARRU,
TU WANU WARAGHQUOH,
TAYO-QUARIO,
HAN-GAARYS,
AIEN-GUCHSEROONY,
KA QICHSU,
TAWANAGATY,
TAIENT-AHIS,
TAHOTASALYAKON,
THAGARORUS,
OSOCH QUAA,

Caiyouquos, Continued.

WAHOSERA UNGQUAS,
OSKANUNTUWA,
HORUHOT,
THANATARAH,
HOTYKERY,
OLADACKU HANDU,
JOTIE HA,
KAWISHIENTARHU,
THARANTO. (26.)

Anoyirds, or Oneydas.

ONUCH NAXQUA,
SHICKELIMO,
ONUCHKALLYDAWY, *alias* WAT-
SATUHA,
TO HAS WANGARORUS,
ARUGH KOCKT MAW,
TA HACK NECHDORUS,
AQNUIODA or AQNOYIODA,
SAGOGUCHIATHU,
RAH-HEGUS,
SOANACHQUAA,
SAIADIES,
SAWANAGARADY. (12.)

Jenontowanos or Sinikers.

THANASANEGO,
THAN IEENTUS,
THARACH GOARUS,
CACHQUO.

Tuscarroros.

SYDOWAX,
ATTIUSKU,
TUWAIADACHQUA,
THAWEEHTU,
SOCHQUACHNUCHTY,
TO HOD QACHTTU,
HARICH HENGOCHTHA,
JOGARICH HUNTSY,
TO-GODALIAKON,

THANALYWA,	TOWADOWA,
AWANGOCHTHU,	HOHUYASATACKKADHA,
SIECKSON,	THANECHWAGARARA,
SAYADGIO,	GADARADIRHA,
TAHEWASH,	THARUCHIOARUS,
KANASQUISAT,	KATRISO.
KARRY HOGEANA,	(13.)
<i>Canestogo Indians that Speaks</i>	SHAWANOS, of Seahantowano,
<i>the Onayints language.</i>	WEKWEHLAKY, a Chief, and Eight
TIOR HAASERY,	more of his Countrymens; of the
JOHERIESON,	Nontickooks, there was ten men;
KANASQUAGAREAT,	of the Canoyios, Eight; of the
KAKARAT,	Sapony Indians late of Virginia,
NAGU HU,	now Settled at Shomokin nine
HO-IE-WAS,	man; the Delawares wer forbid
RAWAIENDEIRY,	to Come to the treaty by the
	Chiefes of the Six nations.*

THOMAS COOKSON TO SECRETARY PETERS, 1744.

Sir :

I gave you an Accot Some days ago of a Man's coming down from Jno^o. Harris's & reporting that abt 100 Indians were there, and that to know y^e certainty of it, The Sherif went up & returned to this Town, in the mean time Conrade Weiser rece'd the true Accot from Shickalamy, of which he informed me by L're, also that he had sent an Express to y^e Gov^r, viz: that abt 6 of y^e Deputies who came from Oneido Town were arrived at Shamoken; That they had all Set out abt y^e 18 May last, and the Body of 'em were daily expected, and as Soon as they Arrived Conrade was to have Notice, by a Special Messenger, which I presume he has not yet rece'd. The Sherif finding y^e mans Accot of y^e Number of Indians at Harris's false, and that we must wait for an Accot of y^e Arrival of y^e rest at Shamoken, returned Home, being promised by you to have timely Notice of y^e day fixed by the Gov^r for Setting out, in Order to wait on him. Now on Col^o Patten's coming to Town, He says the Virg. Gentⁿ propose to come up on Monday next. Several of Our Town's people are Informed that you 'design to Set out on Monday, & particularly George Honey, who came into Town just now, says that you told him you Should Set out on Monday, And in a L're I Have from Mr. Hamilton, He Supposes you'll set out on Monday, but dos not write with Certainty. These Accot^s have perplexed me, as I have not rece'd a Line from you abt it notwithstanding so many opportunities have offered, And least there should be any mistake about it, or Miscarriage of a L're, I sent this Messenger to know How

* See the minutes, Col. Rec. Vol. IV. p. 698-737. This list is in the handwriting of Conrad Weiser.

the Gov^r has determined, whether to come up on y^e first Accot^t, or to wait the Arrival of a sec^d Messenger from Conrade Weiser, as the Sherif lives 30 Miles from Town, time must be allowed to Send him word, And you cannot expect that either he or I shall take comon report of People coming from Town to be Notice. Your Trunk is not come up.

I am Sir,

Y^r most h^ble Sert,

THO. COOKSON.

Lanc^r, 9 June, 1744.

P. S. Wee have no Back Gammon Tables
nor Long pipes to amuse you.

Please to enter in your Minutes,

Robert Shields 150^a adj. Jn^o. Harris, & W^m Dickey, on Conego-
chege, in Antrim Towh'p, And I'll give you y^e Money up here, be-
ing lodged with me.

Y^rs,

T. C.

COPY OF A PAPER GIVEN TO INDIANS BY VIRG'A., 1744.

Whereas, the six United Nations of Indians have for a Consider-
ation of a deed made by them to His Majestie this day, Recogniz'd
the Right and Title of our most gracious Sovereign in and to the Colony
of Virginia, as it now is or here after shall be Bounded, and Where-
as, it may be for the service of his Majestie, And the peace & safety
of the Inhabitants of the said Colony; We, the Commissioners of
Virginia, Do at the Request of the said Six Nations of Indians,
promise to move the Governor & Council of Virginia to Represent
their Case to our Sovereign Lord, the King, to the end his Majestie
may extend his further Grace and favour to the Said Six Nations.
Given under our Hands & Seals, at Lancaster, in Pennsylvaaia, this
2^d day of July, in the 18th year of our Sovereign Lord, King
George the 2^d, Anno Dom. 1744.

Indorsed.—Copy of the Paper given to y^e Indians by y^e Comm^{rs}
of Virginia, 4th July, 1744.

ORDER IN COUNCIL—ISLAND OF RATTAN, 1744.

At the Court at Kensington,
the 19th day of July, 1744.

Present :

The King's Most Excellent Majesty,
in Council.

Upon reading at the Board a Report from the Right Honourable the Lords of the Committee of Council, dated the 19th of last Month, relating to the making a Settlement upon the Island of Ratan, His Majesty in Council was this day pleased to approve of what was therein proposed, and hath accordingly Ordered, That the Governor of Jamaica should issue a Proclamation in his Majesty's Name, promising the following Encouragements to such Persons being Protestants, as shall be willing to settle in that Island, Viz :

“That Port Royal in Ratan shall be a free Port for all His Majesty's Subjects, where no Duties either of Export or Import shall be paid for any Goods or Shipping under any pretence whatsoever.”

“That a reasonable Quantity of Land shall be granted to all New Comers being Protestants, either British or Foreigners in Fee Simple, in proportion to the Number of People by them Imported, that is to say, for every Man, Woman or Child, as well as Freemen, as Slaves, Twenty Acres.”

“That the Land shall be surveyed, laid out and granted to such New Comers, free of all Fees, Charges or Rewards, for which Purpose a proper Person may be authorized by His Majesty.

“That the said Lands shall likewise be exempt from all Quitrents Dutys and Services for Twenty Years from the Date of their respective Grants, except only Services in the Militia for Defence of the Island in time of Need, and after the Expiration of Twenty Years to pay a Quitrent not exceeding Two Shillings for each hundred Acres.”

“That Every Inhabitant, his Family and Slaves shall be subsisted with Provisions out of the publick Stores, for the first Year after their Arrival, and be furnished with working Tools for clearing and cultivating their Lands.”

“That all Protestant Natives or Foreigners shall enjoy full Liberty of Conscience in matters of Religion, and be entitled to all the Privileges appertaining to English Subjects.”

“That no Inhabitant of the said Island during his Continuance there, shall be arrested, Distrained or prosecuted for any Debt contracted before his Arrival in the said Island.”

“That an Additional Encouragement be given in Grants of Land to all Carpenters, Sawyers, Smiths, Coopers, Masons, Brickmakers,

"Bricklayers and all other Handicraft Tradesmen that shall settle
"in the said Island."

"That His Majesty is graciously pleased to issue his Royal Orders to the Governor of Jamaica and to the Commander of His Majesty's Squadron stationed on that Island, upon all Occasions
"to protect, defend and assist the Inhabitants of Rattan."

And His Majesty judging it proper, in order to the making a speedy Settlement on the said Island, that the aforementioned Encouragements should be published and made known in Others of His Majesty's Colonies Abroad, Doth therefore hereby Order that the Lord's Commissioners for Trade and Plantations do transmit copies of this Order to the Governors and Commanders in Chief of such of His Majesty's Colonies in America as they shall think proper on this Occasion, with Directions to them to cause the said Encouragements to be published and distributed within their respective Governments.

Signed;

W. SHARPE.

INSTRUCTIONS RESPECTING THE ISLAND OF RATTAN, 1744.

Whitehall, August 28th, 1744.

Sir:

His Majesty having been pleased by His Order in Council, dated the 19th of July, 1744, to order that the Governor of Jamaica should issue a Proclamation in His Majesty's name, promising certain Encouragements, to such Persons being Protestants, as shall be willing to settle in the Island of Rattan, and His Majesty judging it proper in order to the making a speedy settlement on the said Island, that the said Encouragements should be published, & made known in other of his Majesty's Colonies abroad, hath therefore directed us to transmit Copies of the said Order to the Governors & Commanders in Chief of his Colonies in America; and we do accordingly send you a Copy of the said Order inclosed, that you may make the said Encouragements publicly known. So We bid you heartily farewell, and are

Your very loving Friends, &

humble servants,

M. BLADEN,

R. PLUMER,

JA. BONDENELL.

Hon^{ble} George Thomas, Esq^r, Dep^{ty} Gov^r
of Pennsylvania.

GOV. CLINTON TO GOV. THOMAS, 1744.

New York, 3^d Sep^r, 1744.

Sir :

I have enclosed the Examination of some French Mariners taken in a prize sent into this port by Cap^t Barns, Commander of a Privateer from hence, which I have thought requisite to communicate to you & the neighbouring Governours, that they may timely guard against any Surprize or Designs of an Enemy.

I have received from Governour Morris, the Examination of some persons concerned in the Counterfeits you mentioned in your last, which he told me you had sent me, but I never receiv'd them, and I shou'd be glad to have the Discriptions of those confined in your Goal, as I desired in mine of 13th August.

I receiv'd yesterday information by way of Barbadoes, that the Dutch have declared War. I am very truly

Sir,

Your most obedient

Humble Servant,

G. CLINTON.

L^t Gov^r Thomas.

P. S. I have Just rec^d Information from Albany by some of Our Indians, who was sent to Canada, that y^e Caghawges, Sakawdedes & Onagenges Indians, have at y^e Instance of y^e Gov^{rs} of Cannada, taken up y^e Hatchett against y^e Enemies of y^e Ffrench.

Indorsed—Gov. Clinton's Lre, dated 3. 7br, 1744.

CONRAD WEISER TO JAMES LOGAN, 1744.

September the 29th, 1744.

Sir :

The day before yesterday I came back from Shohomokin, where I have been with Eight young man of my Country people, whom Shickelimy hired to make a locke house for him, and I went with them to direct them, we finished the house in 17 days, it is 49½ foot long, and 17½ wide, and covered with Singels. Shickelimy informed me that the Governor of Canada, hath sent an embassy to Onontago, to lament over the death of Tocanuwarogon, a Chief of the Onontagers who died last Spring, (in whoes house I used to lodge,) and to let the Counsel of the 6 Nations know that the French hath made warr against the English, whome they would soon Beat,

and as they the 6 Nations loved their Brethren the English, their father Onontio desired them to take no offence nor be on either side concerned, but stand newter, and that they should be supplied by the French with powder, led & other Comodies, at their several treating houses as usual, and as cheap as before, and as the English traders had run away from Oswego, Cowards as they were, Onontio would take the house of Oswego to himself, as his people are the oldest Settlers of the Northern Countrys, and would suplie his children, all the Indians, with all sorts of goods very cheap. At the same time the Interpreter of Albany was at Onontago, with a Message from the Comissioners of Indian affairs, which was to desire the Counsel of the united nations, to take the house at Oswego into their care for a little while, till sufficient force could be sent from Albany to defend it. The Counsel gave no answer, neither to the French nor to the Comissioners aforesaid. The Interpreter went to the Siniker Country, to prevail with that nation for that purpose, but it was not known when Jonuhaty (who brought this news) came away from Onontago with what success he met. Jonuhaty further told Shickelimy, that the Counsel of the united nations had agreed to send some of their Chief to Catarochkon, (ford frontinaic,) to let their father Onontio know, that his children the united nations, did not approoff of his Intention to take the house of Oswego to himself, which could not be done without Blood shet, and as there were allways some of the united nations with their Brethren the English at Osswego, it might probable fall out so, that some of them would be sprinkled with Blood, which would rise the Spirit of revenge. They therefore thought it would be a dangerous undertaking of Onontio, and it would also looke very mean in their father On^{to} to attack the English on their Back, since he made warr against him. They would therefore advise him to act more Honorable, as becometh a Warrior, and go Round be Sea and face the English. The deputies have orders not to go further than to the foresaid place, and deliver their message to the Governor of the place and return Imediatly. The Chiefes of the Cayugers have sent word to Shickelimy to stay at home, to be ready when ever we should sent to him. French Andrew who went to fight the Catabaws, fell sick near James revier in Virginia, and his Company left him under the Care of Pisquedon, one of the Company. Andrew got well, and is Come backe to Shomockin, he told me he would Come down with the other two young Indians which are to Come agt the the time when the Indians in Philad^a prison will be tried.

The feaver was among the Indians at Shohomokin, and hath Carried off five or six, while I was there. Olumapies, the Delaware Chief is recovered again of his long sickness. This is all present I thought fit to Inform, or rather trouble you with, who am

Sir,

Your dutyfull,

CONRAD WEISER.

P. S. The French embassy also Informed the Counsel of the united nations, of a treachery which the Shawanese formed against them, with the Ionontatuch Roanu & Cheestagech-Roanu Indian nations about the lakes of Canada, in order to make warr against the 6 nations. Now Cheekano, the Shawano Chief, is suspected to be the autor of it. A Message of the united nations is gone to him.

Indorsed.—Conrad Weisers Lre to the Governor, dated 29th 7ber, 1744.*

Gov. GOOCH TO Gov. THOMAS, 1744.

Nov^r 22^a, 1744.

Sir,

Yesterday my Messenger returned from the Cattawbaws, and brought me their answer to my Letter and his Instructions, a copy whereof I have inclosed, that you might from their own mouths, as it were, hear the fears and be told the Hopes of the poor remains of that Nation; and at the same time, by your Interposition in their favour, which you will find they earnestly Entreat, Propose such measures for their Relief, as may deliver them from the one, and secure to them the other.

I must own I think their caution is excusable; and if you had not the management of this affair, should apprehend great Difficulty in prevailing with the six Nations to accept their offer, but when I consider the address of the Person it is submitted to, all suspicions vanish.

Whatever expence you are at on this occasion, shall be thankfully repaid by,

Sir,

Your most obed^t humb. Serv^t,

WILL. GOOCH.†

Indorsed.

Gov^r Gooch's Letter to Gov^r Thomas about the Catawbas, dated 22^a Nov^r, 1744. Read in Council 4th March, 1744, & laid before the Assembly.

* "Jonuhaty is a Noted Warrior of the Onondagers, was one of the deputies of that nation, at a treaty held in Lancaster, he is gone to warr against the Catawbas. Credit may be given to his Informations." See Col. Rec. Vol. IV, p. 751.

† See Colon. Records, Vol. IV. p. 755, 757.

CATAWBA CHIEFS TO GOV. GOOCH, 1744.

To the Hon'ble W^m. Gooch, Esq^r, His Majesty's Lieuten^t Governour & Commander in Chief of the Colony and Dominion of Virginia.

We, the chief and head men of the Cattawbaw Nation, have heard your Honour's Instructions by your Messenger, Henry Morris, and we return your Honour our hearty Thanks for the care you are pleased to take of us at the Treaty of Lancaster.

We should be heartily Glad if a Peace between us and the six Nations could be once concluded; we have truly followed the directions of your former Letter to us, and have not suffer'd one of our People to go against them, for this four years last past; though notwithstanding they the six Nations are constantly upon us, and have killed forty odd lately.

Your Honour intimates to us by your Messenger, that we should in order to conclude a Peace, send Deputies to the six Nations, who say that they will receive them kindly, and not do nor suffer any harm to be done them; which we would do could it be effected with sincerity and without Danger on our Part; for seeing that formerly we treacherously killed a Party of the Six Nations, How is it possible we can be secure? tho' we do assure your Honour they came as Enemies to destroy us, and therefore had reason to act in the manner, you inform us. We have already sent our Belt and other tokens of Peace to the Six Nations, by the way of the Governour of S^c Carolina, and have never yet received any answer or token from them otherwise than constant war.

We desire that a Letter may be writ to Conrad Weiser, instructing him to gett a Letter from the Six Nations signed by their own Hands, with Tokens also, as we have already done before, and to recall their Warriours that no more Hostilities may be Committed.

We earnestly desire that a Peace may be concluded, and that Conrad Weiser may assure the Six Nations, that if they will send their Deputies to us with a Messenger, we will receive them with Brotherly Love in our arms; and we also desire that the Governour of Pennsylvania will take all proper measures for the Concluding of a Peace, which we do assure you will be greatly to our satisfaction.

We expect to know by the Spring of the Year the result of this matter, and till then shall rest sâtisfied.

His X mark.
Signed by the King
of the Cattawbaws.

Given by the Cattawbaw Nation, }
the last of October, 1744. }

INFORMATION FROM OSWEGO RESPECTING INDIAN AFFAIRS,
1744.

WE have been Informed by several Indians that at Canada the French are making a great Number of snow shoes, which as soon as done are put into a large Storehouse. Whether they designe to Travile any where with them this Winter, I can't learn. I acquainted Your Excellency some time agoe that severall Trusty Indians were Hunting between this & Canada, one of said Indians was here the 13th Instant, & told us he heard from others that the French Smith with Three or ffour men were gone from Kadaraique, in order to goe to the Senekaes Country.

We have made it our business to find out whether the Ffrench Indians had taken up the Hatchett against us; all we can learn is that at a Meeting between the Ffrench and Indians, severall fflat cattle were killed and presented the latter, The Ffrench dancing after the Method of the Indians with the Heads of Beasts in their Hands, saying, thus will we carry the Heads of the English. The Indians in their turns danced, but said, thus will we carry the Heads of the Fflatheads, which made the Ffrench look very down, as they undoubtedly hoped to have been Joyn'd.

We hear a Large Body of Ffrench Indians are to pass this Place next Spring, it's said they are going to War against the Fflatheads. This small Army was to have gone the Last Summer, the Noyse of which it seems frightned away so many of our Traders.

If they come this way shall watch them narrowly, as I can put no faith in those Directed by a Romish Priest. We have often some or other of the Five Nations here, who declares that no French shall distress this Place.

Indorsed.

Information of the Officer at Oswego ab^t Indian affairs, Dec^r 1744.

CONRAD WEISER TO SEC'Y. PETERS, 1745.

January 2, 1744-5.

I make bold to trouble you again with a few lines, the occasion of which is my son came the other day from Virginia, where I had sent him, after one of my Honest Debtors, and by the way he met several Indians of Six Nations, coming from the Southern Indians, the Cawtabaws, and has ben told that one of Shickelmy's Sons, to wit, Unhappy Jake, has been killed by the Cawtabaws, with five more of the Six Nations, in an engagement, and as this is a great stroke to our friend Shickelime, who is for the trust put in him by the Counsel of the Six Nations, and our Government, worthy to take notice of, I thought it my undispensable duty to Inform this, and lay it before

the Governor whether or no he thinks fit to send to Shickelimy a small present, in order to weap of his dears, and Comfort his heart, and Enable him by so doing, to stand to his charge, aforesaid, which would not only be satisfactory to Shickilime, but very agreeable & pleasing to the Consel of said nation; and, consequently, some little service done to ourselves. His Honour, the Governor, will be able to Judge; to whom, with my humble respect, I leave the whole, and remain,

Sir,

Your Servant to Comand,

CONRAD WEISER.

P. S.—It is Customary with the Indians, that let what will happen, the Chiefs or people in trust with them, dont stur to do any service or Business to the public, when they are in mourning, till they have, in a manner, a new Comission as beforesaid, in being fetched out of mourning & Invested with new Courage & dispositions.

Directed.

For

Mr. Richard Peters,

Secretary to the Government,
Philadelphia.

Mr. Jacob Rost.

Indorsed.

Conrad Weiser's Lre advising a present to Shekcalamy, on the death of his Son, 2 Jan'ry, 1744.

RESOLUTIONS OF ASSEMBLY OF M'TTS, 1745.

Province of the Massachusetts Bay.

The Committee of both Houses upon the subject of his Excy's Messages of the 19th & 22^d instant, make the following Report, viz:

That they have been attended by two Gentlemen who have lately been Prisoners at Louisbourg, & by others who have been Traders there, & who are well acquainted with the Place, from whom the Committee have received Information that the garrison there does not consist of more than five or six hundred regular Troops, and that there are not above three or four hundred fighting men of the Inhabitants; that they have but a small stock of provisions, that they have no Vessels of Force in their Harbour, and that the Place is at this time less capable of being defended against an attack, than its probable it will ever be hereafter.

The Committee, therefore, are of opinion, that it is incumbent upon this Government to embrace this favourable opportunity to attempt the Reduction thereof: and they humbly propose that his Excy, the Captain General, be desired to give forth his Proclama-

tion to encourage the Enlistment of three thousand Volunteers, under such proper Officers as he shall appoint; That each person so enlisting, be allowed twenty-five shillings £ month, & that there be delivered to each man a Blanket; That one month's pay be advanced, & that they be entitled to all the plunder.

That Provision be made for the furnishing of necessary warlike Stores for the Expedition; that four Month's Provisions be laid in; that a Committee be appointed to procure and fit Vessels to serve as Transports to be ready to depart by the beginning of March, and that a suitable Naval Force be provided for their convoy, as this Court shall hereafter order. That application be forthwith made to the Governments of New York, New Jerseys, Pennsylvania, New Hampshire, Connecticut and Rhode Island to furnish their respective Quotas of Men & Vessels, to accompany or follow the Forces of this Province.

In the name and by order of the Com^{tee}, W. Pepperrell.

In the Council, Jan^{ry} 25, 1744, Read & sent down.

In the House of Represent^{res}, Jan^{ry} 25, 1744, Read & Accepted.

Sent up for Concurrence, T. Cushing, Spk^r.

In Council Jan^{ry} 25, 1744, Read & Concur'd.

J. WILLARD, Sec^{ry}.

Consented to, W. SHIRLEY.

Copy examined £ Z. WILLARD, Sec^{ry}.

Indorsed.

Two Letters of Gov^r Shirley to Gov^r Thomas, dated 29 Jan^{ry}, 1744, inclosing the Report of the Committee of both Houses, & the Scheme of the Expedition concerted agt Cape Breton.

Read in Council, 13th Feb^{ry}, 1744-5, and afterwards laid before the Assembly.*

GOV. SHIRLEY TO GOV. THOMAS, 1745.

BOSTON, Jan, 29th, 1744-5.

Sir:

To the inclosed Circular Letter, drawn by the Secretary, and sent to the Neighbouring Governments as far as your province. I have to add, that it seems a most essential point for the Service of the Expedition, that we should have a Naval Force before the Harbour of Louisburg, by the middle of March at furthest, sufficient to intercept Mr. Duvivier who is to return to Louisburg by that time with Stores and Recruits for the Garrison there, under Convoy of perhaps a 54 & 60 Gun Ship; Such an Event would be a most Heart breaking and killing Blow to the Garrison, and I should think would

* See Colon. Rec., Vol. iv., p. 753.

not fail of deciding the point between us and the Enemy soon; For as to intercepting the provision Ships there can be no Difficulty in that. Towards mustering up a sufficient Force against Mr. Duvivier I have a prospect of three twenty Gun privateer Ships, the Bien Amy prize, Capth. Gayton, a twenty Gun Ship, our Province Snow of sixteen Guns, the Rhode Island and Connecticut Colony Sloops; And I have sent an Express to Commodore Warren for his Assistance instantly after his Receipt of my Letter, and a Letter to Captain Frankland, Another to Virginia, where I hear there is a forty and twenty Gun Ship of his Majesty's; And I am in hope that we shall not fail of having one, if not two, of his Majesty's Ships here with the New Hampshire and Annapolis Stores, by the beginning of March, from Great Britain; I have further desired Gov^r. Clinton (by this Express) to send me what Cruizers he can influence, * * * * * either the private owners to consent to, or his Government to procure, to come to our Assistance, and I would beg the same thing of you, Sir. in your Government; For I esteem our mustering up a sufficient Force against Mr. Duvivier, as I have before observed, to be a most essential thing.

The inclosed scheme of the Expedition, tho' sufficient to induce the Assembly to come into undertaking it upon their Enquiry and Examination into Facts, is rough, inaccurate and very Imperfect. The time will not permit me to enter into a more particular Detail of the affair, which I hope to send you by next post; In the mean time what I chiefly depend upon is, that supposing that nothing more can be effected besides taking the Royal Battery, and breaking up all the out settlements upon the Island (which I think may certainly be effected) without Assistance from Great Britain, yet our Land Forces will be able to hold possession of the Island, till his Majesty shall send us such a Naval Force and number of Troops (which will come by surprize as to Old France) as will secure the point, and which I cannot think we shall fail of having by May at furthest, after the Ministry shall have receiv'd the Representation which I shall send of this affair; And I have reason to think, from the Spirit of the people in this province and of the Assembly, that if the Neighbouring Governments will assist in the Expedition, the United Force cannot, in the ordinary Course of human Events, fail of succeeding in this attempt.

I must beg the Favour of you to forward the inclosed without a moment's delay, as it contains my application to Gov^r Gooch.

I am with very great Respect and Esteem,

Sir, Your most Humble and
most Obedient Servant,

W. SHIRLEY.*

P. S. I have the assistance of Mr. Bastide. his Majesty's Engineer for Nova Scotia, and Captⁿ. Durell, in concerting measures and making the proper Dispositions.

*See Colon. Rec. Vol. IV. p. 753.

GOV. SHIRLEY TO GOV. THOMAS, 1745.

BOSTON. January, 29th, 1744-5.

Sir :

This goes by Express to inform your Honour that Petitions having been preferred by a considerable number of the Inhabitants of this Province to the General Court here, representing the present weak state of Louisburg. and the great Importance of the Reduction of that Place to the Obedience of his Majesty, And a general Disposition appearing in the People to engage in this service, I recommended the deliberate Consideration of this affair to the General Assembly, who by their Committee examined a great number of Persons who have been Traders or Prisoners in that Place. & have known it both in Peace and War, some of whom came from thence in the beginning of this Winter. This Examination, which was had before a large Committee of both Houses, has been so very critical & exact as to take up divers days in the Prosecution of it. The Result of which is a cheerful & almost unanimous Resolution of the Court to undertake this important Business in such manner, as is particularly expressed in the Report of the Committee accepted by the whole Court, which I herewith inclose, and wherein you will find this affair is undertaken by us in full Confidence and Expectation that all his Majesty's Governments in North America, who are concerned in Duty & Interest as well as we, will readily join with us in so laudable a Design for the Honour of his Majesty and the Safety of the Trade and Navigation of all those Colonies and Provinces : And our Expectation herein will appear the more reasonable, if it be considered what Pains & Charge this Government hath been at alone for saving his Majesty's Interest at Annapolis Royal & in the Province of Nova Scotia ; I must therefore earnestly desire that all may be done that is possible to engage your Province to do their full part in Concert with us for carrying on this Expedition, and that you either join us, or soon follow us, with a sufficient Force both for the Land & Sea Service ; And as the success of this Affair depends much upon Dispatch, I doubt not but you will use it. I have proposed to the Ministry in Great Britain the undertaking of this Design, and earnestly urged it as of great Importance to the Crown & the safety of his Majesty's Subjects in all these Parts, before I had any Thought of the Thing's being attempted in this Way ; and I shall now write pressingly, by the first Conveyances, both to the Ministry at home and to the Commanders of the Squadrons in the West Indies, to send a Naval Force to meet us and support us in our Design : I have ordered an Embargo of all Vessels whatsoever, and have seized all the French men among us, & have endeavored to have them kept under such safe Custody as to prevent them from

sending any intelligence : The same Measures will be necessary (as I apprehend) in your Government.

I am,

Sir,

Your Honour's most Humble
and most obedient servant,

W. SHIRLEY.

To the Hon^{ble} Governour Thomas.

Gov. SHIRLEY TO Gov. THOMAS, 1745.

BOSTON, Feb. 4th, 1744-5.

Sir :

Since the Departure of the Gentlemen, by whom I sent my Dispatches to you, referring to the Expedition which we are forming against Cape Breton, I have Advices from Governour Wentworth that the Assembly of New Hampshire have very chearfully determined to join with us, and have Voted to raise two hundred and fifty Land Forces for this service, and that he hopes to persuade them to raise a greater number. I have likewise Letters from the Gentlemen I sent to Rhode Island, informing me that the people there are much spirited to engage in this Business, & that the Assembly will meet in a day or two to consult on the affair ; And that it looks probable that they will furnish their full Quota of Land Forces for this Service, if not more, as also a private Ship of War of Twenty Guns, which now lyes in their Harbour. I thought it of Importance that your Honour should be informed of these things, not doubting but you will make a proper use thereof for exciting an Emulation in your People. and for encouraging them to do their part to promote His Majesty's Service & the common Interest of these Provinces, which so much depends upon the success of this Enterprize. We are going on in our preparations & now beginning our Levies, and I think our People are full of spirit, and with Dependence on the Blessing of Providence, I hope for a prosperous Event.

I am,

Sir,

Your Honour's Obedient

humble servant,

W. SHIRLEY.*

P. S. Be pleased to give me leave to add to this Circular Letter, y^t the assistance of one or both of the two large privateers belonging

* See Colon. Rec. Vol. iv. p. 753.

to some of your province would be of infinite importance in this Expedition.

To the Honourable Governor Thomas.

Endorsed—Gov. Shirley's Letter to Gov. Thomas, dated 4th Feb. 1744, about an intended Expedition against Cape Breton; read in Council, 13th Feb. 1744.*

CONRAD WEISER TO SECT. PETERS, 1745.

Honoured Sir :

I received the packet of letters by Mr. Mehlon, with the several Copies which your Honour was pleased to send to me, and as there was a deal of Business to be done under a great deal of noise at our last Court, I could not answer Immediately, but thought necessary to do it at home, in hopes that your Honour would not take it a miss Considering the weightiness of the affair. I shall never be wanting in your Honour's Service what ever may be required of me that tends to the Honour of your Government, and the good of the public, and am very willing to undertake a journey to Onontago in the Spring, to put the finishing hand in behalf of Onas, to so good a work, and I do not doubt of success. If that what is said by the Catawbaw King be no deceit which I fear it is, my reasons are thus. The Catawbaws are known to be a very Broude people, and have at several treaty's they had with the Cherokees used high Expressions, and thought them self stout warriors for having deceived Garontowano, (the Captain of that Company that was so treacherously killed,) I should have been better pleased to see the said King's name with some of his country man's signed to the letter they sent to Gov^r. Gouch, some of that nations names are known to the Six nations, the Interpreter should also have signed. The Most Indian Interpreters, are traders, and people not to be depended on. However, I ought to leave this to Gov^r. Gouch. The Catawbaws are also known to be an Irregular people; they have no Counsel; the richest or greatest amongst them Calles him self a King with the Consent of his Brothers, Gousins or wives, and proofes often the greatest full, acts all what he does as an arbitrator, the rest dont mind him, and after all sends him to the grave with a Broken head. This is what those that were prisoners amongst them all agree. If that one article is true with them, that they will own they treacherously murdered Garontowano and some of his men, a peace no doubt will be made between those poor wreeches. I shall soon go up to Shomokin to see Shickilimy, and shall then have an opportunity to talke a great deal with Shickelimy, and if he Seames

* See Colon. Rec. Vol. IV. p. 753, 755. .

Inclined for peace, I will let him know of Governor Gouche's request to your Honour, otherways not, and will on my return from Shomokin, wait upon your Honour to receive the necessary Instructions. I should be well pleased if the Six nations, would make Williamsburgh the place of Congress, but question very much, whether they will not think of given up to much, or submit so much to the Cawtabaw, to agree to that place, as to send messenger or deputies to the Catabaws, they the Six nations will refuse at once, and therefore that point must be given up; your Honour said enough to Gov^r Gouch about that in the letter; as for as a third place, I shall be more able to give my sentiments about when I return from Shomokin. I shall hardly met any Frenchman in Onontago, but a messenger or two perhaps, which Can not hurt me, and if there are more I think, they will have more to fear from me, then I from them. The Counsel of the Six nations have allways looked upon me as their friend, and one of their own nation. It will be dangerous for a few French man to medle with me amongst the Indians, they will soon find their mistakes, have a great deal more to fear from the family of the Heans in my absence. They are worse than any French or Indians, and I do not know yet whether my wife & children, will be so far out of fear that I can leave them, the Heans has still their friends, as they had this 20 years, otherways not one soul of the family would in this days be in the province, or if they had had their due, they would ben out of the world. I do not know how to do, the whole neighborhood is afaired of them, and the many felonys they have Comited, and hitherto escaped punishment, will be sufficient Causes for several good familys to move to some other places. I did Expect at least, that they would all be bound to stay at their own houses in time of night, and behave well in all respects, but I find their time is not yet Come. I shall not trouble your Honour any longer about that family in this letter, but am in hopes that when I shall have an opportunity to wait upon your Honour, I shall be heard somewhat further. As for the time to set out for Onontago, I think it allmost Impracticable, before the Midle of May, because for the Creeks, and for food in the woods for the Horses, and the Southern Indians can not Expect an answer in their own towns, till the latter End of August next, if every thing goes well; I should have liked it much better, if they had sent two or three old men as deputies, I would have traveld with them to the Mohokes Country by the way of Albany, and having got the opinions of the Counsel of the Mohokes, I would have acted accordingly without any danger to the Catabaws; I intend to go round by Albany now, if I do go. I have nothing more to mention, but am

Sir,

Your obedient & dutyfull,

CONRAD WEISER.

Tulpehockin, February the 10th, 1744-5.

Indorsed—Conrad Weiser's Lre to y^e Gov^r. 10th Feby, 1744-5.

* See Col. Rec. vol. iv, p. 757.

CONRAD WEISER TO R. PETERS, 1745.

Sir:

I have received yours of the 8th of this Instant, with a packet from the Governour. I am very much oblinded to you for Interesting with me in the Misfortune that threatened me and my family. I could get no goods in Lancaster good for any thing, to make a present to Shickelimy, have therefore send my son to Philadelphia with an order to Mr. Shippen, herein Inclosed for your approbation, you may altered if you see Cause. I have answered the Governor's letter, but came home from Lancaster the night before last, very lame. I accidently scald my foot about 12 days ago, and I suppose I made it angry, and was obliged to aply to a Doctor. I am in hopes it will soon be better, and as soon as possible I will set out for Shomokin. As to the Virginia affair, you will see my Sentiment in the letter to the Governour. I remain with my hearty respect,

Sir,

Yours,

CONRAD WEISER.

February the 11th, 1744-5.*Indorsed*—Lre from Conrad Weiser, 11th Febry, 1744.

CONRAD WEISER TO R. PETERS, 1745.

Tulpehockin, February the 18th, 1744-5.

Sir:

By my Son I received three pieces of Strowts instead of three Strowt Matchcoats, I wanted for to take to Shomokin for Shickelimy, and no Instructions what to do with the three pieces of Strowt. I think it would be extravagant to give it to Shickelimy, only I intent to set out for Shomokin the 25th of this Instant, and shall take But three Matchcoats and $\frac{1}{2}$ duzend of silk Handkercher, and leave the rest till I receive orders from you what to do with, I think there must be a mistake, I hope it is not in my order. There will be time Enough to let me know before I set out, if any thing unknowing to me as yet must be done with the rest. This is all at present, with my hearty respect, I remain Sir, your oblinded

CONRAD WEISER.

D. BUSH TO THOMAS HOPKINSON, 1745.

Wilmington, July 5th, 1745.D^r Sir,

You may believe when I tell you, that your Letter of 29th last month has given particular satisfaction in that of your Sympathising with my misfortune, and let the success in what I request of you prove to my desire or not, I shall ever retain a respect for your Generous Disposition.

The affair I have requested has oblig'd my keeping it private, fearing some opposition. However, I have learn'd the footing the present Ferry is kept on, which is as follows: This County sixty years agoe, particular on the Creeks & River side, was settled by Dutch & Sweads which seldom went from their Settlements, and when they had occasion to cross the Creeks, their usual method was to Swim over their Horses while the cross'd in a Canoe; between forty and fifty years agoe, the English beginning to settle and make a figure in the County, and perceiving a real necessity for the safety of Travelers that a ferry should be Erected, Application being made to the Court, then held at Newcastle, for liberty of a ferry on Christeen, The Court granted it, and made an Order that Johannus Jaquet, (he being in possession of the Land where the people go on shore at the other side of the Creek,) do keep a ferry Boat, and for his True Attendance obliged him to enter in Recognizance of forty Pounds, about Ten or Twelve years after, the said Jaquet, thinking the advantage of the ferry not answerable to the Expence of keeping a Boat & Attendance, gave a Grant of it to John Stalcup which liv'd on this side of the Creek, at the Death of John Stalcup his son Israel took Possession, and after the Death of Israel his Widow Marry'd Daniel Turner, who kept it untill the son of Israel, nam'd John Stalcup, was of Age, and now the said John keeps the Ferry.

Wether the Advantages I am goeing to mention will be of any real service to the Publick, must submit, and can only say if the Ferry is here, and a Road over the Marsh, it will shorten the distance from hence to Newcastle near two miles, and of Consequence will bring many People that Travel from the Lower Countys & Maryland this way, which now goes by the way of Christeen Bridge, not only so, but as the People here are got in a strain of Draining the Marshes on the Creek to make dry Meadows, will of course in a few years answer the Drovers that Drives Cattle from the Lower Countys, &c., were they can meet with good Pasturage, likewise the Inhabitants of this Town must reap some benefit more than they do at present by Travelers, there is I do not doubt other Advantages w^{ch} do not occur to me now, except one, w^{ch} is that of Lowering the price of 3½^d for Ferrying Man & Horse over, w^{ch} I judge is full much.

I am much at a loss should I succeed to fix any Terms, fearing it

might seem unreasonable, but this much must say, the expence of a Causeway across the Marsh, will be above a mile long, & clearing some Wood Land for a road, with Wharf's Boat, &c., (without an Act of Assembly can be procured for a Publick Road,) must be very Expensive, which I compute on a moderate Computation £160, to compleat the whole. I declare I hardly know what Proposals to offer, but incline to leave it to you, being confidant you will endeavour to procure as good Terms as if the benefit was to yourself, as you expect I would mention some Terms, I have made two Proposals, but desire you will lay no stress on them.

1st I am willing to pay an acknowledgmt every year providing to have it to my Heirs & Assigns for a Term of Years not under 60, and no other Ferry to be admited on Christeen without liberty of me.

2^d To take it for 50 Years without paying any acknowledgmt, and at the expiration to deliver the Ferry up with the same Proviso, & no other Ferry &c.

As the Prop^r has received no benefit hitherto from the Ferry, and Application now to him for a grant, am of opinion he will not be unreasonable, for he will receive an Advantage now he had not before, I beg you will make such Proposals as you will judge most conducive for the Interest of

Sir, Your Friend & Humb. Serv^t,

DAVID BUSH.

Directed.

To Thomas Hopkinson, Esq^r,
in
Philadelphia.

Indorsed.

David Bush, 5 July, 1745.

PETITION OF INHABITANTS OF PHILADELPHIA RESPECTING POWDER HOUSE & MARKET, 1645-6.

To the Honourable the House of Representatives of the Freemen of the Province of Pennsylvania, in General Assembly met.

The Petition of Divers Inhabitants of the City of Philadelphia, and of the Northern Liberties of the said City,

Humbly Sheweth,

That your Petitioners being owners of Lots of Ground at the Northerly End of the said City and parts adjacent, or interested in or concerned for the Improvements there made or to be made, are under Discouragements in further building and improving on the said Lots, because of the near Situation of the Powder House, from

whence they apprehend Danger, And for the same Reason the erecting and keeping a Market may be delay'd; for which a Plot of Ground is laid out between the said City and Powder House.

That several good Tenements have been lately built so nigh to the said Powder House as to be liable to suffer great Damage should fire happen to it; and many more would soon be begun with Wharfs and Stores, contributing much to the Additional Beauty and Advantage of the said City and Neighbourhood, and the Employment of Artificers & Labourers, were that obstacle removed.

That the setting up of a Market in the Place intended, as the present Market Place in the Heart of the City is far distant, and the Families are grown numerous near the said intended Place, would prove a great Conveniency to them and to the Country People who should be willing to supply it with Provisions.

Your Petitioners therefore earnestly request that this Honourable Assembly will direct and order where a Powder House shall be built instead of the present, so dangerous and discouragingly situated.

And your Petitioners, as in Duty bound, shall &c.

January 18th, 1745-6.

CHARLES WEST,
SAML. HASTINGS,
JOHN CRILL,
JOHN NORRIS,
THOS. GREEN,
WILLIAM COATS, Jun.,
EDMOND SKINNER,
JOHN DENTON,
ANTHO. MORRIS,
JONA. MIFFLIN,
MORRIS MORRIS, Jun.,
BENJA. MIFFLIN,
NATHANIEL POOLE,
GEORGE EMLIN,
JAMES ESTAUGH,
JAMES WEST,
MICHA'L HULING,
JACOB CARDORP,
HARMAN CARDORP,
PHILIP PLINTON,
WILLIAM SALOR,
W. PARKER,
THOMAS BATSON,
JONSON MINSOL DIELL,
ADAM ANDRES,
JACOB WINEEY,
JOHN LUDWIG SEIPEL,
JASPER SCULL,

SAML. HOLT,
JOHN BOOD,
GEO. WILSON,
SOL. FUSSELL,
SAML. HURFORD,
JOSEPH STENNARD,
ISR. PEMBERTON, Jun'r,
AMOS STRETTELL,
WILL'M FISHER,
WILLIAM RUSH,
GEORGE RYAL,
JOHN HERITAGE,
HENRY DENNIS,
PETER ULLRICK,
JOHN SMITH,
ABRAHAM MASON,
HUGH ROBERTS,
SAML. EMLIN,
JACOB DUCHE,
CALEB EMLIN,
JOSEPH HOWELL,
WM. HUDSON,
WILLIAM DYEWELL,
SAMUEL RHOADS,
JOHN DILLWYN,
JOHN MAUL,
JOHN PHILLIP DOLD,
BARNABY BARNES,

THOS. WELLS,
 JOHN LYNN,
 SAMUEL NOBLE,
 JOHN DUBBIN,
 JOS. OLDMAN,
 PRE. BROWN,
 THOS. WILLIAMS,
 JOS. REDMAN,
 THO. FISHER,
 JACOB COOPER,
 THOMAS MOYAR,
 DAVID DESHLER,
 JOSEPH WATKINS,
 JACOB SHOEMAKER,
 JONATHAN ZANE,
 ANDREW HODGE,
 JOHN ROSS,
 JOS. FFOX,
 WM. SHIPPEN,
 CHARLES JONES,
 SAM. POWELL,
 GEORGE EMLLEN, Jun.,
 ABR'M MITCHELL,
 SAM'L. CHEESMAN,
 THOS. HARTT,
 MINSEL SILLIR GAY,
 DAN. BRISTOLL,
 WILLIAM COATS,
 JOHANAS GAL GARET,
 BEN'IN KOSTTOR,
 JOHN KOSTOR,
 EDMUND WOOLLEY,
 EDWARD CATHRALL,
 BENJAMIN LEIGH,
 DANIEL STONEMATZ,
 EDWARD EVANS,
 WM. HAWKINS,
 WILLIAM COATS,
 JOHN PARROCK,
 PAUL CHAUNDEKS,
 JOHN COATS JONES,
 EBENEZER ZANS,
 PETER STELLE,
 BRIAN WILKINSON,

his
 ROBT. ~~X~~ RAWLINSON,
 mark.
 JOHN LOD'K SPROGELL,
 GEORGE DASSAU,
 BENJA. SHOEMAKER,
 JOHN BIDDLE,
 ISAAC WILLIAMS,
 OBADIAH ELDRIDGE,
 JUDAH FOULKE,
 REESE PETERS,
 JOHN TRAVERS,
 JOHN SMITH,
 JOHN ROBBINS,
 ISAAC ROBERTS,
 SAML. POWELL,
 JAMES DAVIS,
 JOSH. MARSHALL,
 THO. BOURNE,
 RICH. WALN,
 CHRISTOPHER THOMPSON,
 JOHN HEAD,
 JNO. WILLIAMS,
 WILLIAM VANDERSPIEGEL,
 GABRIEL WILKINSON,
 THOMAS MAULE,
 THOS. BOUDE,
 JAMES WOOD,
 JAMES WOOD, Jun.,
 JOS. LYNN,
 JACOB NAGLEE,
 JAMES PAROCK,
 SAML. SUGAN,
 JON. KNIGHT,
 ROBT. DAWSON,
 SAML. SANSOM,
 WM. CALLENDER,
 THOS. RODGERS,
 WLL'M LOGAN,
 GRIFFITH JONES,
 ALEX'R ALEXANDER,
 JOHN HOOD,
 ROB. BARR,
 JOSHUA EMLLEN,
 RICH'D PIDGEON,

This probably was the powder house erected in 1724 by Wm. Chancellor, on a part of the premises of Danl. Pegg near the present Noble street and Front.—See Watson, Vol. 1, p. 440.

Indorsed.

Petition of a Number of Inhab^{ts} of Philad^a about the Powder house, Jan. 18, 1745. Read a sec^d time Jan. 23, 1745, and re-ferr'd to the Comm^e on the Powder Bill.

GOV. CLINTON TO GOV. THOMAS, 1746.

New York, 27 January, 1745-6.

Sir :

Pursuant to my Recommendation to the Council and Assembly, to make provision for the appointment of Commissioners for this province, to treat with such Commissioners as are, or shall be appointed by the Neighboring Governments, upon Concerting measures for our Mutual Security, Defence and Conduct, during the present War. Committees of both Houses have Conferred upon the subject matter thereof, and requested me to appoint Commissioners for that purpose, who are to make report of their Proceedings with their Opinion thereupon, That such measures may be taken jointly with the several Governments as shall be judged most Expedient.

They have likewise desired me to Represent to the several Governments upon the Continent, the Wavering Disposition of the Indians, and the fatal consequences which may arise to all the Colonys in General, in case they should be withdrawn from their fidelity, and Dependence upon the British Interest. Whereupon there seems to be an absolute necessity for the Colony uniting their endeavours at all events, to secure the Indians effectually in our Interest, at this critical conjuncture, as the Enemy leave no artifice untryed to seduce them, having many Jesuitical Emissarys Constantly residing amongst them, and should they at length prevail with them to Revolt, the Frontiers of the respective Colonies, subject to his Majesty, must lye open and exposed to the Insults of the French & Savages.

As a Union of Councils from the several Governments, is thought to be the most likely means of defeating the Designs of so Barbarous an Enemy, and advancing the Common Cause of his Majesty's Subjects upon the Continent, I doubt not but you will think proper to Communicate this Representation to your Council and Assembly, and recommend it to them to follow the like example with this Government, that Commissioners may be appointed by you to answer such laudable Ends.

One of y^e Transports with 200 Men on board, bound to Louisbourg, is just arrived at the Hook. He parted with y^e rest of y^e fleet 8 days ago. Admⁱ Rowly has taken Genoa, which I give joy of. The post is just setting out, and I have no further particulars.

I am with very great Regard

Sir,

Your most Obedient,
humble servant,

G. CLINTON.

The Hon^{ble} GEORGE THOMAS, Esq^r.

Indorsed.

Governor Clinton's Letters dated 27th January, 1745. Read in Council the 3^d Feb'ry, 1745, and laid before y^e Assembly the day after.*

DUKE OF NEWCASTLE TO GOV. THOMAS, 1746.

Whitehall, March 14, 1745-6.

Sir :

His Majesty having determined to omit nothing that might be necessary for the security and Defence of Louisbourg, and there having been great Reason to apprehend that an attempt might be made upon it by the French, early in the Spring the King was pleased to order two Regiments to be sent thither from Gibraltar, which, it is hoped, may be arrived there before this time. His Majesty has also order'd another Regiment to be sent from hence to Louisburg, part of which are now going on board two sixty gun-ships that are ready to sail, and the remainder will proceed to Louisburg with the convoy that will go from hence in about a Fortnight.

Rear Admiral Warren having desired His Majesty's leave to resign the Government of Louisburg, on account of the ill state of his Health, His Majesty has been pleased to appoint Commodore Knowles to succeed him, and I am commanded by His Majesty to recommend it to you, in the strongest manner, that in case Mr. Knowles should have occasion to apply to you for assistance, for the better maintenance and support of the garrison at Louisburg, either by raising any number of men to reinforce that garrison, or in any other manner that shall be thought proper, you should use your utmost endeavours to furnish Him with it. And as Mr. Warren will have the Command of a squadron of His Majesty's ships in North-America, and will have received His Majesty's Orders to concert with Governor Shirley, Whether it may be practicable to make an attempt upon any other of the French settlements in North-America. His Majesty has commanded me to signify to you his Pleasure, that in case it shall be judged advisable to undertake any such attempt, and, in order thereto, to raise a Body of Land-Forces in North America, you should, in that Case, take the proper measures for raising such a Body of men within the Province of which you are Governor, as may be practicable to make part of such Force, and to act in such manner as may be agreed on. I need say Nothing to persuade you to exert your utmost Endeavours in the Performance of a service which may be of such great Importance to the security of

* See Colon. Rec., Vol. V. p. 30.

His Majesty's Dominions in North America, the safety and protection of which His Majesty has so much at Heart.

I am,

Sir,

Your most obedient,
humble servant,

HOLLES NEWCASTLE.

Governor of Pennsylvania.

Indorsed.

14th March, 1745, Duke of Newcastle's Letter to Gov^r Thomas, relating to Louisburg.

THOMAS COOKSON TO R. PETERS, 1746.

The people settled on & about Mr. Digges's land, at Conewaga, are coming down with fresh complaints. They have got a petition with them, not well done. But the substance of their complaint is that Mr. Digges, finding the people had employ'd a Surveyor to try his lines, & that several plantations that he claimed were not of his actual survey, came lately with another surveyor, pretending he had obtained an order of Resurvey, & run his lines as he thought fit, & surveyed in lands actually patented by y^e Propriet^{rs} of Pennsylvania, and proposed the sale of them. What they want, therefore, is to know how far Mr. Digges is Justifiable in carrying his survey & claims beyond y^e lines already run, according to y^e certificate of y^e Survey from y^e Land Office, and to have those Lines ascertained & marked by a Surveyor of Pennsylv^a. But for this last service they don't seem inclined to be at the expense which I think they ought to be, and in that case they'll soon have it done. I shou'd be glad to know your opinion of Mr. Hartley's settling at York, the people there being very impatient about a magistrate.

I am y^r most h^{ble} serv^t,

THO. COOKSON.

Lanc^r, 4 April, 1745.

Directed.

To

Richard Peters, Esq^r.

Sec'y of y^e Province,

Philad^a.

Indorsed.

Lre Mr. Cookson about the Ineroachm^{ts} made by Mr. Digges, of Maryland, on the Lands granted by Pennsylv^a, &c., & the Petition of y^e most of the settlers.

* See Colon. Records, Vol. V., p. 41.

PETITION FROM CONEWAGO, 1746.

To the Honbl'e Mr. Peters, Esq., Secretary of State.

The Petition of the People of Conewago humbly Sheweth,

Whereas Your Honours humble Petitioners some Years ago Complain'd of the Injury done to them by Mr. Diggs, in Selling & measuring Land to them, therefore Your Honours humble Petitioners pray that your Honour may'd Speedily help them, & your Honours humble Petitioners shall Ever pray for Your Honours Wellfare, & Always Remain Your Honours humbl. & Obed^e

Servt. to Com'd.

To the Honourable Mr. R. Peters, Esq., Secretary of State,
Living at his House in Walnut Street, Philadelphia.

COPY—R. PETERS TO THOMAS COOKSON, 1746.

Sir :

The Governor is at Mr. Allen's Fishing Place, & on his Return I will get him to write to the Gov^r of Maryland about Mr. Digges's unfair proceedings. In the mean time I think it necessary Mr. Digges should be served wth a Copy of the Royal Orders, & be told y^t y^e people who live on the lands he has pretended to survey by a Maryland late Grant, will be defended in their possessions, & that he has no right in the world, & that measures are taking wth ye Governor of Maryland to restrain him from his wicked violation of the King's orders, & if we have no Success there, that other measures will be taken such as we can justify. But you should, I think, either go yourself or let Mr. Smith go, upon the Spot directly & read the Royal Orders to all the persons who call themselves Digges's Tenants, or purchasers under Digges, & acquaint them y^t by virtue of that order, all the Lands not included wthin the first Survey of Digges, a Copy of which he must take wth him, are in Pennsylvania, & to survey them under any pretence of a Maryland Right, either obtained before or since ye Running of the t^porary lines, is a breach of that Royal Order, & all persons guilty will be prosecuted, & that this kind of prosecutions will cost them more than the value of the land, & Smith must apprise the people of the iniquity of Digges's pretences & forewarn them of any purchases under him. Because no notice have been taken of him, nor no person has been there to Survey the Lands, he is grown insolent. If ye people will not pay & you cannot take up Lands y^t will more yⁿ pay you the Costs the Proprietaries must pay. But it is my Opinion

* Not signed.

the affair should not be neglected any longer, else we may have great blame from ye Prop^{rs} at home.

I will Send you Copys of ye Governor's Letter & Directions, if he gives any, but I would not have Mr. Smith, I stopped on this Acc^t from going.

I am

Yours, &c.

Philad^a, 10th April, 1746.

THOMAS COOKSON TO GOV. THOMAS, 1746.

Hou^d Sir :

Sundry Germans Settled on & about Conewaga Creek, on the West side Sasquehanna, were lately at Philadelphia in Order to Present a Petition to your Honour, setting forth, in substance, their having settled on Lands claimed by Mr. John Digges, under a Patent from the Proprietors of Maryland, and having contracted with him for the Purchase of their respective Plantations and given Bonds for the Consideration Money.

That his Tract confirmed by Patent, contained 6822 Acres only, And from the Extent of his claim, (the Lines not being Marked) they Computed he must have double that Quantity, which gave them some reason to suspect he had a Design to impose upon them, they therefore requested him to have his Lines Marked That they might be Satisfy'd of the Extent of their Right. But this he refused, from time to time, which increased their Jealousy, And at length they procured an Attested Copy of the Courses of his Tract from the Clerk of the Land Office, at Annapolis, and a Surveyor to run the Lines, in which they were opposed by Mr. Digges, yet got so much done as to show them that several Plantations, which he had sold as within the Bounds of his Patent, were without his Lines.

That since this was done Mr. Digges has given out that he has obtained a Warrant of Reservey, And has actually made a New Survey and taken in those Plantations left out in ye original one, And several other Tracts adjoining, for which Warrants have been Granted by the Prop^{rs} of this Province, and even some Patented by ye Prop^{rs} of this Province being without the Lines of his Patent Land, And has put up Advertisements for sale of them.

Your Honour being out of Town at the time these Petr^s were down, The Petition was lodged with your Secretary, who wrote to me that he thought it necessary for me to go over to Conewaga & Enquire into the matter more particularly. I have accordingly been there & met with Mr. Digges, & Acquainted him with the Peoples Complaint, And in answer He told me that he had only marked the true courses of the Lands granted him, in which the Surveyor em-

ployed by the People had mistaken, But on my producing a Copy of the Courses of his Patent & asking him plainly whether the Lines he had run & marked were agreeable to them or extended beyond them, for that I shou'd have occasion to try them in making Surveys adjoining them. He acknowledged that he had made a Resurvey and taking in as much Land as made up his Tract 10000 Acres agreeable to his Warr^t, And that he had obtained a Warr^t to make that Resurvey & a Patent for Confirmation of the same. I then Produced a Copy of the Royal Order of the 25 May, 1738, And acquainted him that *I apprehended this Resurvey & Grant made since the Running of the Temporary Line would be deemed a Breach of that Order; That his Survey & Grant agreeable to it ascertained by Bounds & right of Possession, And all Lands without that Survey being vac^t, and to the Northward of ye Temporary Line were Subject to be granted by the Proprietors of Pennsylvania, & Some of them were accordingly Granted & Confirmed Since the date of ye Royal Order & long before this Resurvey.* He Perused the Order And then made Answer That his Original Warr^t was for 10000 Acres, That he Located it on this Tract of Land, and in Virtue of that was possessed of it, *That the Mistakes of ye Surveyor in not including All his Settlements, giving him his full Quantity, is not to deprive him of his Original right of claim & Possession by Virtue of his Warr^t; That he had, agreeable to ye Practice of the Land Office then, obtained a Warr^t of Resurvey & Confirmation of the Lands therein, which he cou'd not conceive to be a Breach of the Royal Order, being only a confirmation of the Lands possessed by him, founded on his Original Warr^t.*

Altho' I should not suspect Mr. Digges's Veracity in this Affair where the Records will Shew the truth, Yet I cannot but think the Governor of Maryland wou'd shew more regard to the Lord Baltimores Affairs than to risque the drawing him into a contempt of His Majesty's Order for the sake of one Gentleman's Private Interest. The People hope that Your Honour will direct inquiries to be made into the true state of this matter & give them your Directions for their Behaviour with Mr. Digges.

I am, Hou^{le} Sir,

Y^r Honours most Obed^t

H^{ble} Serv^t,

THO. COOKSON.

Lancaster, 21 April, 1746.

For His Honour, the Governor.

Mr. Cookson's Letter to the Governor about Digges's claims.

21 Apr. 1746.

* On the Secretaries laying this Letter before Gov. Thomas, he wrote his L^re of the 24 May, 1746, to Gov^r Bladen. See p. 686.

THOMAS COOKSON TO R. PETERS, 1746.

Dr. Sir :

Upon Rec^t of your L^re by Adam Furney I went over to Conewaga & Acquainted Mr. Digges with the complaint of the People. He at first told me that he had only marked the Lines According to his Patent, But on producing a Copy of ye Courses & Proposing to try them, He Acknowledged his having extended the first Survey by a Warr^t for that Purpose, and had taken in the Lands always claimed by him, & filled up his Warrant, And had the same Confirmed to him, and thought this no Breach of the Royal Order. These Warr^{ts} of Resurvey being granted of Course when the first Survey did not cover the Lands intended to be taken in, And that it can only be Deemed a Confirmation of his Original right of Possession by Virtue of his Warrant for 10000 Acres, And He observed further, that this was practised by the Officers under ye Prop^{rs} of Pennsylv^a, And that Lands had been confirmed by Patent to ye Southward of the Temporary Line in pursuance of a Possession by right of Survey, under a Warr^t from ye Prop^{rs} of this Province, But this was, from Some information he pretended to have received from persons whose Names he had forgot. I don't know but he may be put on this Scheme by some of ye Gentlemen at Annapolis, with whom he is Engaged, But can't think the Governor when he understands the true state of ye Case will Vindicate it; His Possession being ascertained by his actual Survey & Patent thereon, and If he had any right to take up more Land by the Warr^t on which this Survey was made, it must Certainly be taken up to ye Southward of the Temporary Line. I have wrote to the Governor to this Purpose, as I thought it necessary he should have a certain Account on which to found his Application to ye Gov^r of Maryland. The Bearer, Paul Tittenhaver, has purchased an Improvement about 3 Miles from York Town & paid 150^l for it. The Land was Settled by Adam Dickenson, who it is said, has an Entry on your Books by ye Proprietors Order for Settling the same on his obtaining Licence from ye Indians, who lived thereabout. He applys for a Warr^t or Order of Survey. You may suppose from ye Price that its a Valuable Improvement & has been Long Settled. If there's any such Entry, I Doubt not the Prop^{rs} Granting it. The Land adjoins Casper Springler, Adam Tiel, Jacob Heestaul & Nicholas Bagher. As these People have ye Proprietors Grants; they are encroaching upon this Plantation on every side, & destroying ye Timber, so that If he does not Get an Order of Survey the Place will be much injured.

Mr. Smith has Executed the Survey directed, of which I shall bring down Draughts after May Court. I am in Expectation you'll find a spare half hour to write a little, particularly before that time,

with what news you have from ye Prop^r. Little Gracy wrote me
That he had waited on him & that all was well.

I am D^r S^r,

Y^r most affect^d fir^d,

& H[']ble Serv.,

THO. COOKSON.

Lancaster, 23 April, 1746.

P. S. Please to procure me ye Late Acts
of Assembly & send me before ye Court.

To Richard Peters, Esq., Secretary of the Province of Penn-
sylv^a, at Philad^a.

No. 11. M^r. Cookson's L^re of 23^d Apr., 1746, ab^t Digges's
claims, laid before the Governor along wth M^r. Cookson's L^re to his
Honour, of the 21st Apr., 1746.

ADAM FORNE TO THOS. COOKSON, 1746.

Worshipfull Sir :

May it please your Worship, We canot but Acquaint your Worship
what has happened here since your Departure from us, yesterday as
the 24th of April, M^r. Diggs sent a Deputy Sheriff out of Maryland,
for to Arrest Matthew Ulrich & Nicolaus Forne, he toock them Two
with him, untill to my house, where I asked the Sheriff by what Au-
thority he rested those men, if they ow'd any Money. If they ow'd
money, I would be bound for their Appearance at Court, but he
could not tell me no more Cause as this, viz: that "those men should
give their Bonds to Diggs for the Land, or Depart from the Land."
These Two men have taken up there Land these five years ago,
from the Honble Proprietors Land Office in Philadelphia, & it was
survey'd for the same. I order'd upon this, them two men as Mat-
thew Ulrich & Nicolaus Forne, to return to their Habitation, where
upon the Sheriff & Diggs's Son, made resistance, & the Sheriff
drew his sword upon me, & we then drew our Swords, & was a' going
in upon them, whereupon they fled to their horses, & so ran away,
& so was the way that we got ridden of our new guests.

Now, is our humble Request to you, for to come up speedily,
& to loock into the matter & settle it, that we may have rest, &
live in peace and quietness, as his Majesty's Subjects, & not to be
troubled for ever. For if this matter is not rectified, & we do not
get help speedily, we must help ourselves, & should it be with
our last Drop of Blood, for I am well assured that we will not be

put upon by no Diggs that ever lived under the Sun. So wishing that you may soon come over, I have no more to add, but Remain

Sir,

With due Respect,

Your Worship's,

Humble & Obed^t Serv^t to Com^a,

ADAM FORNE.

Little Canowako,
the 25th April, 1746.

P. S. Sir: Diggs also troubled many more, in short all them that lives in his resurvey'd Additional Line, & was a going to have them arrested, but some sent them a packing in the Striving, & yesterday I heard that Diggs should have said, that he had made up with your worship, & if you did not come in Ten days, you would not come in Ten years any more.

Indorsed—Lre about Digges's Proceedings. 26th Apr., 1746.

GOV. THOMAS TO GOV. BLADEN, 1746.

Sir :

Having received several Complaints of one Mr. Digges, a Gentleman of Your Government on the other side of Sasquehanna, of Practices which have a tendency to promote Breaches of the Peace in that part of the County, which is at least four Miles to the Northward of the Temporary Line, Mr. Cookson, the Surveyor of that County went to serve Mr. Digges with a Copy of the Royal Order of the 25th May, 1738, for preserving peace upon the Borders of the two Governments. And notwithstanding this, the People still complain that he continues his Disturbances, in direct Violation, as is represented to me, of that of His Majesty's Order.

If Mr. Digges has any just Claims to Lands there, which may be disputed by the possessors, as the third Paragraph of the Royal Order points out the method of adjusting such disputes, I am perswaded you will put a stop to any proceedings that may interfere therewith.

Philad^a, May 24th, 1746.

His Excell^y Thomas Bladen, Esq^r.

Indorsed—Draught of Gov^r Thomas's Letter to Gov^r Bladen, ab^t Mr. Digges's Encroachments. 24th May, 1746.*

* See answer p. 692.

Gov. GOOCH TO Gov. THOMAS.

Sir:

I this moment received my Instructions by an express from the Gov^r of Maryland, as I hasten to send my Dispatches by the same Messenger, I have only time to desire you, in pursuance of the orders you have received, to proceed immediately in the execution of them, and raise as many men as possibly you can, in so short a time, and such sudden warning, appointing to Command & Discipline them, that they may be ready when called for to march to the Place of Rendezvous. I am

Sir,

Y^r humb Serv^t,

WILL. GOOCH.*

Gov^r of Pensilvania.*Indorsed*—Letter from Gov^r Gooch, without date. Rec^d 1746.

Gov. CLINTON TO Gov. THOMAS, 1746.

New York, 2^a June, 1746.

Sir:

I take the liberty to acquaint You, that upon receiving His Grace of Newcastle's Letter, touching an Expedition ag^t Canada, I have (by advice of Council) Ordered an Embargo to be laid on all Provisions for four Months, except what may be sent to Louisbourg, and what Vessells are at present laden therewith for Exportation; and as it is conceived that this Step in me will greatly contribute to His Majesty's Service, I hope you will fall upon the like measures, that I may not seem particular.

The Hon^{ble} George Thomas, Esq^r.

Indorsed—Gov. Clinton's Lre about an Embargo, dated 2^a June, 1746. Read in Council, the 9th June, 1746.†

* See Col. Rec. Vol. V, p. 38 & 40.

† See Col. Rec. Vol. V, p. 36 & 42. Not signed.

COMMISSION FOR JOHN SHANNON, 1746.

By the Honourable George Thomas, Esquire, Lieutenant Governor and Commander-in-Chief of the Province of Pennsylvania, and Counties of Newcastle, Kent and Sussex, on Delaware.

Whereas, His Majesty, by His Orders of the Ninth of April last, signified unto me by His Grace the Duke of Newcastle, one of His Majesty's principal Secretaries of State, hath Impowered and Commanded me to raise a Number of Men in the Province under my Government, for an Expedition against Canada; These are in His Majesty's Name to authorize and Impower you, John Shannon, Esq., to beat up for Volunteers within the said Government, in order to raise a Company, which is to consist of one hundred men, including Four Sergeants, Four Corporals, and Two Drummers, of which you are to be Captain, Provided you shall compleat your Levy in time for Marching the said Company to Albany, or to such other Place as shall be appointed by the Honourable Brigadier General Gooch, or by the Commanding Officer for the time being.

[L. s.] Given under my Hand and Seal at Arms, at Philadelphia, the Twenty-fifth day of June, in the Twentieth year of His Majesty's Reign, Annoq Domini, one thousand seven hundred and forty-six.

GEO. THOMAS.

Jacob Kollock, Jun^r. Gent^a. Lieut.
Robert Bully, Gent. Ensign.

INSTRUCTIONS TO JOHN SHANNON, ESQ., 1746.

Pursuant to His Majesty's Orders, you will herewith receive a Warrant for Raising a Company of one hundred men, for an Expedition against Canada, with a Printed Copy of the Proclamation* Issued by me; from whence you may certifie what Encouragement will be given by His Majesty, to such as shall engage in this Service.

You are likewise hereby authorized to assure Them, that they shall receive a Dollar upon Enlisting, and Three Pistoles in Gold, before they go out of this Province, for the Support of their Families in their Absence, or to be laid out in such other manner as they shall think fit.

You are to Enlist none but healthy, able body'd men, not exceeding forty-five years of Age, and of a good Stature, and you are to be very careful that they be not ruptured, nor under any other bodily Disorder, which may be an Impediment to their Marching.

You are to take especial Care not to receive any other into the

* See it Col. Rec. Vol. V. p. 89.

Service, but Protestants, and such as will take the Oath prescribed by the Articles of War, and you are forthwith, after Enlisting, to carry them before a Magistrate for that purpose.

You are to make a regular Entry of the name of every Person Enlisted, his Highth, Complexion, Country, &c., and of the Day upon which he was Qualified, that it may be known when his Pay is to commence, and that he may be apprehended and punished in case of Desertion.

You are to provide Quarters for the Men Enlisted, in the best manner you can, until they shall receive marching orders, taking care that the Expence does not exceed the King's Subsistence, which is sixpence sterling per Diem for each man.

You are, during their continuance in Quarters, to Exercise them daily, and as the time may be too short for perfecting them in the whole Manual Exercise and Evolutions, you must be very diligent in Teaching them the Facings, Wheelings and Firings, that they may Load and Fire quick and regular.

[L. s.] Given under my Hand and Seal at Arms, at Philadelphia, the Twenty fifth day of June, in the Twentieth year of His Majesty's Reign, Annoq Domini, one thousand seven hundred and forty-six.

GEO. THOMAS.

You are further to transmit to me weekly, an Account of the number of Men enlisted.

G. T.*

GOV. SHIRLEY AND PH. WARREN, TO GOV. THOMAS, 1746.

Boston, July 4, 1746.

Last week Mr. Warren came here in the Chester from Louisbourg, in order to settle with Mr. Shirley (and General St. Clair's approbation when he shall arrive) the plan of operations for the Expedition against Canada, in the most speedy manner, which the advanced season of the year requires to be done without the least loss of time, as it also does that all the Governments concerned in it should push on the compleating of the Levies, and making the necessary preparations and dispositions for it, within their respective colonies, with the utmost dispatch; and in doing which, we think they should act with the utmost vigour, not regarding what they may esteem to be barely their just Quota and proportion of men and money in this Expedition, but the importance of this enterprize towards either laying a most

* Similar Commissions and instructions, were sent to several other persons.

sure foundation for the general welfare and prosperity of all these colonies, or leaving them in so precarious a situation as may sometime or other expose them to be reduced under the power and subjection of the French, upon which account they should consider themselves as one body united in the common cause, in which, if any one particular colony should exert itself beyond either its just proportion or abilities, it may (we doubt not) be depended upon, the exceedings of such Colony will be made up to it, either by an average to be afterwards settled among all the colonies concerned, or by a reimbursement from His Majesty or the Parliament of Great Britain. And it ought to be in a particular manner considered, that this will, in all probability, be the only favourable opportunity of attempting the driving the French off from the Northern part of this Continent, which, if now neglected, may never be redeemed, but be followed close by an endless train of disadvantages and difficulties to all His Majesty's Northern Colonys, too many to be enumerated here, and too obvious to need it: Wherefore we trust, that all his Majesty's Governments upon this Continent, will leave nothing untried for raising a sufficient force for securing the success of the present Enterprize; that is, all the force they can raise. And we persuade ourselves, that if any of the Assemblies should be so far wanting in their regard for the interest of their King and Country upon this extraordinary occasion, as to refuse the proper supplies for making the necessary dispositions for this Expedition, (in which they ought rather to act like a people who have their all at stake,) that his Majesty will be graciously pleas'd to make good all such engagements of his Governours, as it was necessary for them to enter into for his service, in the support of the present Expedition, upon the refusal of the Assemblies to do it.

We are of opinion that the forces under your command, should attempt the reduction of the Fort at Crown Point, as soon as they possibly can be assembled there. But if that can't be effected by them before they have notice of the arrival of the Ships at the mouth of St. Lawrence, that the main body of them shou'd not stay longer before that Fort, but having rais'd proper Batteries, and made the necessary dispositions there proceed to Montreal, leaving a sufficient number at Crown point either to carry on the siege of the Fort or turn it into a Blockade. And in this case we think it possible, that the main body might proceed without being perceived by the enemy; or if they should be appriz'd of it, it must greatly dispirit 'em to find themselves cut off from all communication with Montreal, &c., and that we are strong enough to send a large body of troops into the bowels of their country; and, doubtless, they will be persuaded, at the same time, that Quebec is attack'd by a strong Land and Sea force, to form the siege of which place, we think that at least 5000 North Americans should go by sea to act in conjunction against that City, with his Majesty's regular troops. And upon the whole, we think the reduction of the Fort at Crown Point, should be, at all

events, either at first or last, secured this fall, which will be of the utmost consequence for the protection of the Colonies from the Ravages and Depredations of the Enemy, which have been of late felt chiefly, as we conceive, from that place, and to His Majesty's service in many other respects. The securing of the assistance of the Six Nations, we esteem a point most essential to the success of the Expedition, and necessary to be gained at any rate; and we can't but think that any reasonable bounty or presents which shall be given them by you, in case the Assembly should not act a proper part in this respect, will be approved of and answered by his Majesty.

All possible dispatch is apparently necessary for our succeeding in this Expedition, or even proceeding upon it, that we are perswaded you will agree with us in it. We inclose you a memorandum of what we apprehend necessary to be provided, and doubt not but you will be pleas'd to provide what part of them can be had in your Government. We hope, in particular, that one Twenty Gun Ship with 140 men, and one Sloop, Brigantine or Snow, with 80 men and 10 Carriage Guns, may be procur'd by you. And we think that as it will be absolutely necessary that the Troops should be prepared to winter in the Enemy's Country, ten months provisions shou'd be got for them, and some salt put on board every Transport, which will be of service to cure what Fresh Stock may be had in Canada. And as there will be a greater number of Seamen wanting, for not only the Transports and arm'd Vessels from the Colonies, but His Majesty's ships also, at Louisbourg, the Vigilant in particular, we hope you will assist as much as may be, by an impress or otherwise, as you shall think proper.

We have in a joynt letter desired Lieutenant General St. Clair to come to Boston, as it will save much time in forwarding the Expedition, for doing which nothing shall be wanting on our parts, nor will, we are perswaded, on yours.

We are, with very great truth and regard

Sir,

Y^r

Most Obedient,
humble servants,

W. SHIRLEY, P. WARREN.

To the Hon^{ble} GEORGE THOMAS, Esq^r.

We desire the favour of you to let us know as soon as possible, the number of troops you shall be able to raise in your Government, and by what time they will get to the place of Rendezvous.

Indorsed.

July 4th 1746, Letter from W. Shirley & P. Warren to Gov^r Thomas, relating to the Expedⁿ ag^t Canada.

A LIST OF NECESSARIES FOR THE EXPEDITION.

4,000....Snow Shoes.

4,000....Maugasons.

10....Arm'd Sloops, Briggs or Snows, with 10 Carriage Guns,
80 men each.A great quantity of Shoes, Stockings, Bedding and warm
clothing for the troops.

Tents and Camp Equipage.

Carpenters Tools, several setts.

Spades, Shovels & pick axes, a great number.

6....Ships of 20 Guns, 140 men each.

Planks & Boards for Platforms for Batteries, to be carry'd
by every Vessel; Timber, I presume, may be got there.

Sand Baggs.

Smith's Tools.

Spikes & Nails of all kinds, & some Bar Iron.

Some Salt, to be sent in several of y^e Transports.*Indorsed.*

A List of Necessaries for the Expedition.

GOV. BLADEN, MD., TO GOV. THOMAS, 1746.

Annap^s, Aug^t 2^a, 1746.

Sir:

I have recieved the Enclosed Letters from Virginia, which I was
desired to forward.

Mr. Cressap's Schemes or Views are quite unknown to me, but I
believe it very possible he may have his owne Interest chiefly at
heart; he shall have no encouragement from me to do any thing un-
fair or unreasonable: I trouble you with some Papers sent me by Mr.
Diggs, that you may know what he has to say in his Justification
upon the complaint made against him; he assures me the Hardship
is all on his side, and the Usage he has recieved very unjust; he
tells me he could bring more Evidence of the unjustifiable beha-
viour of some of the Pensilvanians towards him, but that the per-
sons who are his Witnesses refuse to depose voluntarily for fear of
getting the ill will of theyr Neighbours; however they say if he
obliges them to give theyr Evidence, they will then declare the truth.
I must owne as far as I know of the matter, I don't see in what Mr
Diggs has been to blame, however, I shall not absolutely Justify
him, it being possible there may be some circumstances attending
the affair which I am ignorant of, but I assure you I am not preju-
diced in his favour as Governor of Maryland, nor is he of my ac-
quaintance, being a Roman Catholick, and as such of a very dissa-
greeable Society, those of that perswasion giving too many Instances

of Dissaffection and ill wishes to all Government (and even to theyr King and Country,) especially in this Province: But I must in justice to Mr. Diggs, say, that he bears the character of an exceeding honest man from people of all partys.

I am allways with the greatest Esteem,

Sir,

Your most obed^t humble
Servant,

T. BLADEN.

Hon^{ble} George Thomas, Esq^r.

Indorsed.

August 2, 1746. Gov^r Bladens Lre. to Gov^r Thomas about Digges Claims. In answer to Gov^r Thomas's Lre of 24th May, 1746.* Inclosing Copy of M^{rs} Digges's Remonstrance.

REMONSTRANCE OF JOHN DIGGES TO GOV. BLADEN, 1746.

To his Excellency Thomas Bladen, Esq^r, Governor of Maryland.

The Remonstrance of John Digges.

The said John Digges having received a Letter from Mr Ross, Clerk of the Council, intimating that in a Letter which your Excellency lately received from Gov^r Thomas, there is mention made of some Disturbances committed by the said John Digges on the Borders and that your Excellency desires to be informed concerning the same.

The State of the Case is, That the said John Digges by Virtue of a Warrant issued out of his Lord^{ps} Land Office in the year 1727, had a Tract of Land called Digges Choice surveyed for and settled by him, upon which the s^d John Digges obtained a patent or Grant in the Year 1735, that [the Surveyor in his Return or Certificate omitted some of the Lines & Courses which were actually run, by which Omission some Settlements, which were made by the said John Digges within the Lines of the said Tract of Land, were left out. That the s^d Jn^o Digges finding himself prejudiced by the said Return, took out a Warrant of Resurvey, to correct the Mistake committed in the Return or Certificate of the former Survey, which Warrant of Resurvey was executed very peaceably, and no Land included in the Survey made in Virtue thereof, but what was formerly surveyed, altho' omitted in the Return.]

That sometime afterwards, the said John Digges disposed of Part of the said Tract of Land to several persons, and when it was known that He, the said John Digges, intended to go and lay out some of the Parcels he was about to sell, for the Purchasers, several Persons who actually live upon the said John Digges's Land, assembled to-

* See page 686.

gether and threatened to shoot any Surveyor, who should offer to survey any part of the said Land, altho' One or more of the said persons had actually purchased Part thereof from the said John Digges, declaring they would not hold under the Lord Proprietary, but would hold under the Proprietors of Pensilvania, which Behaviour the said Jn^o Digges conceives to be a plain and direct Violation of his Maj^{ty}s Order in Council: That One Nicholas Furnie and One Matthias Ullery trespassed on part of the s^d Tract of Land and destroyed the Timber growing thereon, for which the said John Digges sued them, as Trespassers, and they being arrested by the Under Sheriff of Baltimore County were rescued by Adam Furnie father of said Nicholas, which same Adam had very industriously slandered the said John Digges's Title to the said Land.

That since his Maj^{ty}s Order in Council, Part of the Land, so surveyed and granted to the s^d John Digges, has been actually taken up and surveyed in Vertue of a Warrant which issued out of the Land Office in Pensilvania, and granted under the Propri^{ty}s of that province, in Defiance of his Majestys said Order; All these several Facts the said John Digges can, and is ready to prove, and submits to your Excellency whether He has not just Cause of Complaint instead of being complained of.

The Deposition of Peter Shults, Blacksmith, aged thirty-six years or thereabouts, being sworn on the holy Evangelists declares as follows, Viz^t.

That about five years ago this Deponent rented of Mr. Jn^o Digges two hundred Acres, Parts of a Tract of Land called Digges Choice, and about five or six Months after a Certain Zach^a Butcher then surveyor for the Province of Pensilvania came and run out for this Deponent, by Virtue of a Warrant he then was perswaded to purchase of Jacob Youngblood for Two hundred Acres, the af^a surveyor locating only One hundred and fifty six Acres Part of the af^a Warrant of Two hundred Acres on the af^a Place that This Deponent had before rented of the said Digges: And further this Deponent declares that about fourteen or fifteen Months ago, Mr. Thomas Battey, a Magistrate for Prince George's County was desired by Adam Furney and Other Persons living on the s^d Digges Land, to run the Lines of the af^a Lands which included the whole of the Lands laid out for this Deponent and several Others by the af^a Zachariah Butcher, and this Deponent further declares that Adam Furney told him he had a Patent from Pensilvania for fifty Acres, part thereof was laid in the Land that they call Digges' Choice by the Surveyor of Pensilvania, and further saith not.

Taken before Us the Subscribers, Two of his Lord'ps Justices of Baltimore County, this 18th Day of July, Anno Domini, 1746.

WM. YOUNG,
SAML. OWINGS.

The Deposition of John Lemmon, aged forty-five years or thereabouts, being sworn on the holy Evangelists declares as follows.

That about fourteen years ago as near as this Deponent can remember, a Certain Robert Owings laid out Two hundred Acres of Land part of Digges Choice, which said Land the said Owings told this Deponent, belonged to Mr John Digges, after the said Dep^t had lived about Three Years on it, he then sold the said Tract of Land to a Certain Henry Sell, and immediately after that the said Dep^t had laid out for him by the af^d Owings, One hundred Acres more of the same Tract or Parcel of Land called Digges Choice, where a certain Martin Kittsmiller now lives, the s^d Kittsmiller having bought, in about a year's time, the said Deponents work thereon, tho' at the same time the said Dep^t informed the said Kittsmiller, that the said Dep^t had no Right to sell the Land, but he must buy of the said John Digges, upon which the s^d Kittsmiller told this Dep^t if he could get his good Will in his Work, he should not value said Digges, for that he would hold it under Pensilvania.

And further this Deponent declares that about Seven or Eight Months past, as This Dep^t was passing to the said Digges Quarter on the same land to do some Business, when he, this Dep^t called at a Certain Peter Olers who told this Dep^t that he understood the said John Digges was coming to survey some Lands for a Certain Jacob Banker, that he, the said Oler, at the same time told this Deponent that the said Digges had no Land there; but all that belonged to Pensilvania, that he, the said Oler, went then with this Dep^t to the above mentioned Kittsmiller's, near which place the said Digges was expected to come that day to survey Land for the af^d Banker, at which Time he, the said Oler, declared to this Dep^t, that he would, with a Club or Stick, knock the said Digges down or drive him away, and the said Kittsmiller swore he would shoot and kill the said Digges if he offered to survey that Land; This Depon^t asked the said Oler and Kittsmiller, whether he should tell the said Digges, to which they both answered, yes, he might go and tell the said Digges.

And further, this Dep^t. says, that he, the said Oler, told this Dep^t. that he was informed by a man from Rock Creek, that the said Digges had lost all his Land, that the Assembly had taken it from him, and further saith not.

Taken before us, the subscribers, Two of his Ldps. Justices for Baltimore County, this 18th day of July, Anno Domini, 1746.

WM. YOUNG,
SAML. OWINGS.

The Deposition of Robert Owings, aged forty-seven years, or thereabouts, being sworn on the holy Evangelist, declares as follows:

That about fourteen or fifteen years ago, as near as this Deponent can remember, Mr. John Digges gave Instructions, and directed this

Dep^t. to lay out and dispose of sundry Parcels of Land, out of the said Digge's Survey, made on little Conowago, called and known by the name of Digges Choice. That pursuant to such Instructions, this Dep^t. did survey and lay out as part of the s^d survey made by the said Digges, several parcels of Land, about twelve or fifteen years past, and this Deponent adds, that he was called upon by the Surveyor of Prince George County, who, this Dep^t. understood, was employed by the said Digges, to mark round and make known the Lines formerly surveyed; and this Deponent declares, he did attend the said Surveyor accordingly, and to the best of this Dep^{ts}. knowledge, the said Survey did not extend beyond the Lines that was formerly surveyed by this Dep^t., and that the Lands the said Dep^t. laid out for John Lemmon, David Young, Adam Messier, Adam Miller, with two Other Surveys made for said Lemmon, and One Survey also made by this Dep^t. for Peter Youngblood, was all, excepting some few Corners or Angles, actually in the Original Survey, and this Dep^t. not doubting but the said Digges would include the same by a Re-survey, after the Lord Proprietors Agreement was published; and to the best of this Dep^{ts}. knowledge, the whole of those Angles or Corners beyond Stevenson's Line, don't amount to more than the said Digges cut off from some irregular Corners or Points of Stevenson's Survey, by the af^d Re-survey, and further, this Deponent verily believes, the af^d Stevenson, who originally surveyed the af^d Tract or parcel of Land called Digges Choice, omitted in his Return or Certificate some of the Lines or Courses which really were run, and further saith not.

Taken before Us, the Subscribers, Two of his Lordship's Justices for Baltimore County, this 18th Day of July, Anno Domini, 1746.

WM. YOUNG,
SAML. OWINGS.

20th July, 1746.

Baltimore County, ss.

We, the Subscribers, hereby certify that Herman Updegraff, Cordwainer, was desired by Mr. John Digges, to declare to Us, as Magistrates, what he knew concerning the Survey made by Zachariah Butcher, of Pensilvania, for Adam Furney, to which he, the said Updegraff, absolutely denyed being sworn for that purpose, and alledged there was enough of the Neighbours knew, and so did Adam Furney, the Person for whom the Land was surveyed, that Part of it was laid in the Land deemed to be Digges Choice; Just after the said Adam Furney came to Mr. John Digges, and was asked by the said Updegraff, if the Land was not plotted after such a Manner as he described, the said Furney agreed It was, and that He had a Patent from Pensylvania for it.

WM. YOUNG,
SAML. OWINGS.

The Deposition of Thomas Norris, of Baltimore County, aged twenty-nine years, or thereabouts, being sworn on the holy Evangelists, declares as follows :

That sometime the latter End of April last, this Dep^t was deputed by the Sheriff of Baltimore County, to execute the following Writs, Viz^t. : first, a Writ this Dep^t. served on a Certain Matthias Ullery, who said he would give no Security except Adam Furney, for that the said Furney knew best how Affairs stood, upon which this Dep^t. agreed to go to said Furney's and take the said Furney for Security. As the said Dep^t was going to the said Furney's, he called at Nicholas Furney's, Son to the af^t Adam, and executed a Writt on the s^d Nicholas, at the suit of the af^t Digges ; The said Nicholas told this Dep^t it was not worth his while to stop the plough, he being then a ploughing, for that He should take no Notice of his Ld^{'s} Officers, but he would go to his father Adam Furney's with him, and see what He would say to it, & this Deponent further declares, when they came there, the said Adam Furney and his Son Nicholas, with Matthias Ullery, spoke some Words in Dutch, upon which the said Adam Furney told this Dep^t that they should give no Security, that this Dep^t took the said Adam Furney aside, and talked calmly to him about the Affair and perswaded him to be both their Securities ; he answered as before, and told this Deponent they should give no security ; And the said Furney further said, that Mr. Cookson told him if any Officer came from Maryland to take them, and carry them to Lancaster, for that Mr. Digges had no right there, for when the s^d Digges sold Land, he would not convey it to them ; And this Deponent further declares, that Adam Furney called Matthias Ullery out of the Door, and sent him away, upon which this Deponent called the said Ullery back, and commanded the said Furney in his Lordship's Name, to assist this Deponent with the bringing them, the said Ullery and his Son Nicholas in ; at which the said Furney told this Deponent he would stop him, and pickt up a large Stick, with that the Deponent laid his hand to his Hanger, but did not draw it, when the said Furney repeated the words he would stop him, and so run in the House, as this Deponent thinks, for his Gun, upon which the Dep^t, with Mr. Dudley Digges and John Roberts, rode off and left them. After that, this Deponent went to serve a Writt on One Matthias Marker, but the said Marker was at Work over the Line, upon which this Deponent left the said Marker, and went to a Certain George Shrivvers, and executed a Writt on him, who told this Deponent by Word of Mouth, that he would answer to it, and appear at June Court, upon which this Depont went back satisfied to the af^t Matthias Markers, who then came to the house where this Dep^t served the Writt on said Marker, but the said Marker's Wife would not let him give his Word to this Dep^t for his Appearance at Court, and that the said Marker took up an Ax, and told this Depon^t he would not be carryed away by force,

but he would come down and answer to the Writt, if his Brother George Shriver came, upon which this Deponent left him, and went next morning to a Certain Martin Kittsmiller, who as soon as he saw this Deponent, he asked him what he wanted, this Deponent answered, he came to drink a Dram with him; the said Kittsmiller told him, that he might go to Hell and get a Dram, for he knew their damned Tricks, and so called his People to get their Handspikes, and took up One himself, and told this Deponent to be gone, there was the Road, or he would shew it him, and further saith not.

Taken before Us, Two of his Lordship's Justices for Baltimore County, this 21st day of July, 1746.

WM. YOUNG,
SAML. OWINGS.

The Deposition of John Roberts, of Baltimore County, aged twenty-nine years, or thereabouts, being sworn on the holy Evangelist, declares as follows:

That Mr. Thomas Norris, a Constable for this County, was deputed by the Sheriff of the af^d County, to execute some Writts, as the said Norris told this Deponent, on some Persons at Conowago, at the suit of Mr. John Digges, and requested me, this Deponent, to accompany him thither, which accordingly I did. After we got out to the Place, the said Norris served a Writt on One Matthias Ullery, at the suit of said Digges, in his Lordship's, the Lord Proprietor of Maryland, his Name; This Deponent further declares, the said Ullery told the said Norris that he held the Right of his Land under Pensilvania, but if the s^d Norris would go to Adam Furney's, he would get him to be his Security, and accordingly they went to the said Furney's, who this Deponent heard say, that the said Ullery should not give any Security, and bid the said Ullery go away, upon which the said Norris followed the said Ullery out of the Door, and told him he must not go away, but the said Adam Furney told the said Ullery to go along, upon which Mr. Norris commanded him the said Furney, to aid and assist; with that the said Furney took up a Stake five or six feet long, upon which the s^d Norris rode off a small Distance, and Mr. Dudley Digges took the Stake from the said Furney, upon which he ran in the house, and declared He would stop him; then this Deponent told the said Norris to ride off, for that the said Furney would shoot him or his Horse, upon which They all rode away, and further saith not.

Taken before Us, the subscribers, Two of his Lordship's, the Right hon'ble the Lord Prop^{rs} Justices for Baltimore County, this 21st day of July, Anno Domini, 1746.

WM. YOUNG,
SAML. OWINGS.

Copy.

Indorsed—Remonstrance and Depositions sent by the Governor of Maryland to y^e Governor of Pennsylvania, ab^t Mr. Digges's Land at Conewago, over Susquehannah, Lanc. Co., Inclosed in their Letter of Gov^r Bladen, of 2^d Aug^t, 1746.

THE DEPOSITION OF VALENTINE EYLER, 1746.

Lancaster County, ss.

Of Lancaster County, aged 24 years, or thereabouts, taken this 29th day of August, 1746, Before Thomas Cookson & George Swope, Esq^{rs}., two of his Majesties Justices of the Peace, for y^e s^d County, who being sworn on the Holy Evangelists, Deposeth & saith :

That Conrade Eyer, this Deponent's Father, about twelve years ago, settled on a piece of Vacant Land adjoining a Tract of Mr. John Digges, at Conewago, & improved the same.

That this Deponent heard a certain William Logstone, an old Settler in those parts, inform his s^d Father on his first settling there, that y^e Land was vacant : That he was well acquainted with the Lines of Mr. Digges's Land on that side, and that this was clear of him, & he might safely settle. That about eight years ago this Depon^ts s^d Father obtained a Warr^t from the Proprietaries of Pennsylvania, for y^e Survey of 200 acres where he was Settled, and had the same Surveyed, and continued in y^e peaceable possession of the same, under his right from the Proprietaries of Pennsylvania.

That on y^e Running of Mr. Digges's Lines by Mr. Beatty, There was a Small Corner of about ten Acres ~~taken~~ off the Survey, But that Mr. Digges, on a Re-survey made last fall, has taken in One half of his s^d Father's Plantation, and insists that he shall purchase it of him, or that he will sell it to another, and further this Depon^t saith not.

his
VALENTINE X EYLER.
mark.

Taken the day and year }
above, before us, }

THO. COOKSON,
GEO. SWOPE.

Lancaster County, ss.

The Deposition of Mathias Ulric, of the County of Lancaster, Yeoman, aged 38 years, or thereabouts, taken this 29th day of August, 1746, Before Thomas Cookson & George Swope, Esq^{rs}., two of his Majesties Justices of the Peace for the County of Lancaster af^a, who being Sworn on the Holy Evangelists, Deposeth and saith:

That in the year 1742, He, this Deponent, purchased the Improvem^t & Warrant Right of a Tract of Land at Conewago, adjoining Mr. Digges's Land, of one Peter Ensminger, and entered into peaceable possession thereof, and had the same Surveyed by Zachary Butcher, then Dep^y Survr, and made Considerable Improvements, without the molestation or claim of Mr. John Digges. That about 3 years ago, this Dep^t went to Germany, and left the Care of his Plantation to Adam Furney, and returned to Pennsylvania in January last, and Settled on his Plantation, and went on to improve till the latter end of April last, when some of the Sheriff's Officers of Baltimore County, Arrested this Dep^t in an Action of Trespass, at the Suit of Mr. John Digges, upon his own Plantation, which is without the Lines of the s^d Mr. Digges's Patent, and as the same were ascertained by Mr. Battey; And being Arrested, the s^d Officers took him Prisoner to Adam Furney's, and persuaded him to come to an agreem^t with Mr. Digges for his land; That this Depon^t made answer, that he had nothing to do with Mr. Digges, that he knew of, He held no Lands of him, and that he had a Warr^t from y^e Prop^{rs} of Pennsylvania, & a Survey thereupon. That when he came to Adam Furney's, and Adam understood that he was Arrested, He bid him go to Call William Oler, and that he would be Security for his returning; That he accordingly went, and at his Return, found the Sheriff's Officers were gone off. And further this Depon^t saith not.

• MATHIAS ULRIC.

Taken the day & year }
above, Before }

THO. COOKSON,
GEO. SWOOPE.

Indorsed—The Deposition of Valentine Eyler, relating to Mr. Digges's Claims. Copy sent to Gov. Bladen.

Lancaster County, ss.

THE DEPOSITIONS of William Oler, Martin Kitsmiller & Jacob Banker, Settlers at Conewaga, near a tract of Land, belonging to Mr. John Digges, taken this 29th August, 1746, before Thomas Cookson & George Swope, two of his Majesties Justices of y^e peace for y^e s^d County, who being sworn on the Holy Evangelists, severally depose & say :


That being settled on Lands adjoining a Tract of Mr. John Digges, at Conewaga, they have often been apply'd to by y^e s^d Mr. Digges, to contract with him for y^e purchase of their Lands. He declaring them to be within his Survey. That these Deponents apprehended Mr. Digges Lines did not extend so far, and always declined coming to any Agreement, or acknowledging his right, unless he would shew it by getting his Lines run, which he always refused to do, tho' often solicited to it. That this increased the suspicions of the Settlers, that he was endeavouring to dispose of more Lands than he had any just right to.

That the Settlem^t impatient to have their rights, ascertained, apply'd for, & obtained a Copy of his Survey, according to his Patent from y^e Land office at Annapolis, and notwithstanding the interruption & opposition of Mr. Digges, procured Mr. Thomas Battey, a magistrate in Prince George's County, to run out the same, whereby it evidently appeared that these Deponents settlem^{ts} were out of his Survey.

That notwithstanding this, He has threatned to turn these Deponents out of their possessions, if they will not contract with him for y^e purchase of their Plantations, and has commenced an action of Trespass ag^t this Depon^t, Martin Kitsmiller. But these Deponents conceiving themselves within y^e Jurisdiction of the Province of Pennsylvania, Have refused to acknowledge that of Maryland, & to suffer themselves to be dragged to Prison there, on the groundless Clamour of Mr. Digges.

That these Deponents William Oler & Martin Kitsmiller, for themselves say, That Mr. Dudley Digges, son of Mr. John Digges, with several people came to oppose the Running of the Lines by Mr. Balley, and that the s^d Dudley Digges had a Rifle Gun with him, which he presented & said he had a mind to shoot, but did not discharge y^e piece. And further these Depon^{ts} say not.

WILL. SALMOSLER,
the Mark of

MARTIN  KITSMILLER,
JASON JACOB BANKER.

Taken y^e day & year on y^e ,
other side. Before us,

THO. COOKSON,
GEO. SWOPE.

Indorsed.—29th Aug^t, 1746. The Depositions of W^m. Oler, Martin Kitsmiller & Jacob Banker, relating to Mr. Digges's Claim. Copy sent to Gov. Bladen.

Lancaster County, ss.

THE SOLEMN AFFIRMATION of Herman Updegraffe, aged thirty-five years or thereabouts, who being one of the People called Quakers, Declares as follows, viz :

That about five years ago, this affirmant treated with Mr. John Digges, about the purchase of a piece of Land, on the skirts of his Tract at Conewaga, called Digges Choice. But as the same lay to the Northward of the temporary Line, was unwilling to come to a final agreement, till the Lines of Mr. Digges's Tract should be run & marked. That on Mr. Digges's promise that it should speedily be done, He contracted with him, and afterwards from time to time he pressed him to get it done, Apprehending that he should want an addition to be made to it from y^e Prop^s of Pennsylvania, to accomodate his Plantation. But notwithstanding the repeated promises of Mr. Digges, and the frequent applications of the People settled on & about his Tract of Land there, He neglected it, so that the Settlers for their Satisfaction, agreed to send to the Land office at Annapolis, for a Copy of the Courses and Distances in his Patent, there upon Record in Order to get the same run over & marked, and Martin Ungefare, and of y^{es} Settlers, was accordingly sent down & procured such Copy.

That in the ffall of the year 1743, to the best of this affirmants Remembrance, before any Surveyor was employ'd to run out the Lines as above, Mr. John Digges having made a Journey to Philadelphia on his Return told this affirm^t. That he had been with the Secretary of the Province of Pennsylvania, and treated about the Purchase of the Lands lying contiguous to his tract, so as to make it regular, and as there would be a pretty large quantity, & most of it was poor Land, He expected it at as low a rate as he had purchased the rest from Lord Baltimore, but that the Secretary was not at liberty to alter the comon Terms of 15s. 10d. per hundred acres. That He would write to the Proprietaries about it, and in the mean time would give Mr. Cookson, y^e Surveyor in those parts, Orders to Survey the Lands apply'^d for, and that now all things would be made easy, or to that effect.

That matters rested upon this for some time, and no Surveyor Coming according to his Expectations given, Mr. Thomas Balley, of Prince George's County, was apply'^d to by the Settlers, to run the Courses of Mr. Digges' Land, in order to get the Lines marked, and in the Spring of y^e year 1745, he ran y^e same, or y^e greatest part thereof, altho' in the doing of it, he was opposed & obstructed

by Mr. Diggs, as this affirm^t was informed, and that Mr. Digges told this affirm^t, that he wou'd not suffer it to be done, and when they had got the Lines run against his inclination, He expressed a great deal of dissatisfaction at the discovery of them, and threatend to Sue Mr. Battey for running the same.

And this Affirmant further saith, that during his Continuance with the Surveyor in running the Lines above, He run the lines adjoining Martin Kitzmiller's Plantation, which Mr. Digges claimed as within his Survey, but that the same was entirely without his Lines.

That some time after, Mr. Diggs insisting that Mr. Battey had made some mistakes in running his Lines, brought another Surveyor to do the same more correctly agreeable to his Draught, & the Courses in his Patent as he gave out and began the Survey, in which this affirmant accompanied him, and having often seen Mr. Digges's Draught of this Tract, & conversed with him upon the Subject of y^e Disputes between him & the Settlers, on & about his Land, was thereby pretty well acquainted both with the situation of his Tract, and y^e dispute between them, and conceiving that the Surveyor was altering the Courses in y^e Draught, & Enlarging the Survey. He mentioned his thoughts to Mr. Digges, who answered that he was only running his old Lines according to his Patent. But on Proceeding further, this affirmant observed the Courses to be varied so much, that he had no longer room to doubt he was enlarging his Survey, and accordingly told Mr. Digges his sentiments, and further said He thought that wou'd not do. To which Mr. Digges returned That he had obtained a warr^t of Resurvey to Justify him, and the advice & direction of Mr. Delany. upon which he wou'd proceed.

That in this Resurvey, Mr. Digges included a great number of Settlements, which were without his Lines according to the Courses inserted in his Patent, & the Survey by Mr. Batty, & even some who had warr^{ts} from y^e Prop^{rs} of Pennsylvania, and Surveys thereon.

And this Affirmant further Saith, That about five years ago, Adam Furney having a Warrant from the Proprietors of Pennsyly^a, for y^e Survey of two hundred Acres of Vacant Land at Conewaga, applyd to Zachary Butcher, then Dep^y Surveyor on the west side Susquehanna to Execute the same. That Mr. Diggs hearing of this wrote to this Affirm^t by his Son, requesting him to go with Rob^t Owen, and caution Zachary Butcher, against ineroaching on his Patent Land there. That this Affirmant desired to be excused from this Service, thinking it more proper That Mr. Digges's Son shou'd go & deliver his Father's Message. That this affirmant with a certain Charles Jones, being employ'd to carry the chain in the Survey, had begun the same, when Mr. Digges's son with Robert Owen, came & acquainted the Surveyor with the Message, to which the Surveyor answered That he had no instructions to break in upon Mr. Digges's Survey, nor should do it if he knew it, and desired to be

shew'd his Lines, either by the Draught, the Patent, or a Line of Marked Trees, or any other sufficient mark, whereby the Line might be known, that he might join it; But they produced none, nor gave him any Information to Govern his Survey by, only insisted that the Line they were then running was in Mr. Digges' Land. That the Surveyr thereupon, told Adam Furney, that as he could get no Information of Mr. Digges Line, He Executed his Warr^t there as on Vacant Land at his risque, and furnished his Survey. And, that since the Lines of Mr. Digges's Tract were run by Mr. Batty, It appears that a Corner of about thirty Acres, had been taken off his Tract in that Survey, But that Mr. Digges in his Resurvey, had taken in considerably more of y^e same Tract so survey'd to Adam Furney as afores^d, and farther saith not.

HARMAN UPDEGRAEF.

Taken Before us, two of his
Majesties Justices of the
Peace, for the County of
Lancaster, the 29th Au-
gust, 1746.

THO. COOKSON,
GEORGE SWOOPE.

Indorsed—29th Aug^t, 1746. Affirmation of Herman Up de Graeffe, relating to Mr. Digges's Claim. Copy sent to Gov^r Bladen.

DEPOSITION OF ADAM FURNEY, 1746.

Lancaster County, ss:

The Deposition of Adam Furney, of Conewaga, aged fifty six years or thereabouts, taken this 29th day of August, 1746, Before Thomas Cookson & George Swope, Esqs., two of his Majestie's Justices of the Peace for the s^d County of Lancaster, who being Sworn on the Holy Evangelists, Deposeth & Saith,

That Sundry Germans, together with this Deponent, having agreed for ye purchase of some Lands from Mr John Digges, lying at Conewaga, after some time finding that Mr Digges's Claim was of great Extent & did not appear at all ascertained, were solicitous about their Deeds & the validity of Mr. Digges's Title, and apply'd to him for that purpose several times and received different acco^{ts} from him, at first he told this Depon^t that he had 14000 Acres in the Tract, at another time 11000, and at another time 10000. This made this Depon^t & the other Settlers still more uneasy and persisting in having his Title cleared up, He told this Deponent & others that they might go to ye office at Annapolis, & there might see his right & have his Lines run, If they wou'd be at the Expence of it. That

upon this they sent Martin Ungefan to Annapolis, who obtained a Copy of the Course of his Tract from his patent, which Contained only 6822 Acres more or less, That this Depon^t and others of the Settlement then apply'd to Mr Thomas Batty, a Magistrate in Prince George's County, to Run the Lines, in order to have them marked, which Mr Digges opposed, and gathered a Body of People to hinder him, and when all his Efforts were insufficient He threatend to Sue him.

That on Running of these Lines it appeared that Mr Digges claimed a great Deal more Land than he had a Right to by his Patent, and that he had even Sold & Received the Consideration money or Security for it, for some Lands out of his Survey, particularly a Tract now in the Possession of Peter Welby.

That upon this Mr Digges appear'd much disturbed, and as this Depon^t was informed, made his application to Philadelphia, to take up as much of the Proprietarie's Land as wou'd make his Tract Square & Enable him to fullfill his contracts with the People, and Afterwards told this Depon^t that he had been with the Secretary of ye Province of Pennsylvania, and that he had agreed to let him have the Lands adjoining his Tract to make it Square, But Mr Cookson coming up soon after & acquainting this Depon^t & others in the Settlement, That Mr Digges's application was not Effectual, and any of the Settlers without his Tract that should apply to the Land Office for Warr^{ts}, upon ye comon Terms might be admitted to have 'em. This put Mr Digges, as this Deponent apprehends, upon his Extraordinary method of a Warr^t of Resurvey which Mr Digges pretends to have obtained from ye Land Office at Annapolis, under pretext of which He has not only Survey'd in those Tracts which had fallen out of his original Survey, & for which he had contracted for ye sale, But also several others, some of which were possessed by virtue of Warr^{ts} & Surveys from ye Land Office of Pennsylvania, and part of some Tracts which were Patented, particularly about 60 acres of this Deponents, and further this Depon^t saith not.

ADAM FURNEY.

Taken ye day & year on ye other side,
Before THO. COOKSON,
GEO. SWOOPE.

Indorsed.

29 Augt., 1746. The Deposition of Adam Furney, relating to Mr Digges's Claims.

Copy sent to Gov^r Bladen.

DEPOSITION OF ZACHARY BUTCHER, 1746.

The Deposition of Zachary Butcher, aged Fifty four Years or thereabouts, who being sworn on the Holy Evangelists, declares as follows :

That a certain Jacob Youngblood, a Dutchman, having obtained a Warrant, dated the 15th day of September, in the Year 1738, from the Proprietaries of Pennsylvania, for Two hundred Acres of Land adjoining Derrick Youngblood and Peter Rysher's Tracts at Conewago, on the west side of the Sasquehannah river, and the said Jacob Youngblood having since sold and transferr'd his Right and Interest in the said Warrant to a certain Peter Shultz, the said Shultz apply'd to this Deponent, as being a Deputy Surveyor for the Province of Pennsylvania, to survey and lay out the said Two hundred Acres pursuant to the said Warrant, That this Deponent understanding that the Tract for which the said Warrant was intended to be granted lay near the Tract call'd Digges's Choice, and being desirous to lay the same out so as that it shou'd not interfere with the Lines of the said Digges's Choice, this Deponent apply'd to Robert Owings, who liv'd in that Neighbourhood & was a Maryland Surveyor & had been concerned in running out some Plantations within the said Tract, (as the said Owings then acknowledged to this Deponent,) and acquainting him the said Owings that he this Deponent was going to lay out some Land in that Neighbourhood, he entreated the said Owings to shew him this Deponent the Copy of the Survey of the said Tract called Digges's Choice, or otherwise to inform & make this Deponent acquainted with the Lines thereof that he might avoid interfering therewith, which this Deponent told the said Owings he was desirous to do, but the said Owings refused to shew this Deponent the Copy of the Survey of the said Digges's Choice or to make him acquainted with the Lines thereof, and the said Owings utterly declined giving this Deponent any satisfaction therein and only laugh'd at and derided the Pennsylvania Surveyors for marking the Lines of the Tracts they Surveyed, saying that they (meaning the Maryland Surveyors,) knew better & never marked any Lines at all, or to that effect, Whereupon this Deponent was obliged to get some of the Neighbours to inform him concerning the Lines of the said Digges's Choice, who being present when this Deponent run out and surveyed the said Tract for the said Shultz according to the survey thereof hereto annexed, they the said Neighbours and particularly the said Peter Shultz assured this Deponent that the said Tract he so laid out for the said Shultz was not within or interfered with any of the Lines of the Lands there claimed by Mr Digges, he this Deponent at the same time acquainting the said Shultz that he must take care that his Tract did not interfere with any of the Lines of the Lands run out under Maryland Rights, for that if it did the survey wou'd avail him nothing, & further that he this Deponent had re-

ceived the Governor's Proclamation containing the Royal Order for running out the Temporary Line between the Provinces of Pennsylvania and Maryland, with express orders and directions from the Proprietary's Secretary of Pennsylvania always to have a due Regard thereto, & to take particular Care to avoid, in his surveys, interfering with the Lines of any Tracts run out under Maryland Rights tho' to the Northward of the said Temporary Line or to that effect, which orders and directions of the Secretary have been carefully preserv'd and are ready to be produced. And this Deponent further saith, that by virtue of a Warrant from the Honourable Proprietaries of Pennsylvania, bearing date the 3^d day of October, in the year 1738, he surveyed a Tract of Land at Conewago on the ninth day of June 1741, a Draught of which survey is hereunto annexed for one Adam Furney, a Dutchman, and that at the time of the said survey a son of Mr Digges's and the said, Robert Owings warn'd him this Deponent not to come within the Lines of Digges's Choice, and that he this Deponent then told them he was extreemly desirous not to interfere with that Tract, & wou'd by no means do it if they wou'd shew him the draught of Mr Digges's Survey or otherwise make him acquainted where those Lines run, that he might not come within them, and that they refused to give him this or any other satisfaction, whereupon he proceeded to make the survey, and from all the Informations he cou'd obtain of the People then present he run no Lines that cou'd interfere with Digges's Choice, and that neither Mr Digges the son nor Robert Owings, who were present at the said survey, made any objection thereto in the hearing of this Deponent. That if they or either of them expressed any dissatisfaction with the survey he this Deponent was then making, it must have been to some of the Neighbours present at the survey & not to this Deponent, who on the contrary overheard the said Mr Digges the son, say to Owing that he wonder'd how they came to omit taking that Piece of Land into their Survey, or words to that effect, which Confirmed this Deponent in his opinion that he might safely make the survey, & return it to the Surveyor General in order to be confirm'd by Patent.

ZACH. BUTCHER.*

Taken & Sworn at Philad^a,
 this 8th September, Anno Dom. 1746, }
 Before us,
 JAMES HAMILTON, Mayor,
 WILL. ALLEN, Recorder.

Indorsed.

8 Sept^r, 1746. The Deposition of Zachary Butcher, relating to Mr Digges's Claims, wth the Copies of the Returns of two Surveys.

* Copies of this and the foregoing depositions were sent to Gov. Bladen.

By Virtue of a Warrant from the Hon^{ble} Proprietaries, bearing date the third day of October, Anno Dom. 1738, I have Surveyed and Laid out unto Adam Ffarney, on a branch of little Conewaga, in the County of Lancaster, on the west side Susquehanna river, Two hundred and twenty three acres of land, with allowance of six $\frac{1}{2}$ Cent, Beginning at a White Oak a Corner of other land of the said Ffarney, Thence north Sixty Degrees Easterly Thirty perches to a post, Thence South Thirty Degrees Easterly one hundred and fifty perches to a post, Thence South Sixty Degrees Westerly one hundred p'ches to a Hickery, Thence South Thirty two Degrees Westerly Sixty Eight perches to a White Oak, Thence North Eighty three Degrees westerly fifty two perches to a post, Thence South Sixty Degrees westerly fifty five perches to a white Oak, Thence North thirty Degrees westerly One hundred and forty perches to a post, Thence North Sixty Degrees Easterly one hundred and Seventy six perches to a Spanish Oak, Thence North forty seven Degrees Easterly fifty one perches to the place of Beginning.

Survey'd June 9th, 1741,

$\frac{1}{2}$ me, ZACH. BUTCHER.

Indorsed.

Adam Ffarney, 223 Acres, &c.

By Virtue of a Warr't from the Hon^{ble} Proprietaries, bearing date the twenty fifth of September, Anno Dom. 1738, I have survey'd and laid out unto Peter Shults, on a Branch of Codorus Creek, in the County of Lancaster, on the west side of Susquehanna river, in right of Jacob Youngblood, one hundred and fifty one acres of Land, with allowance of six per Cent, Beginning at a post a Corner of Leonard Barnes's Land, Thence North East one hundred and Ten perches to a Black oak, Thence Twenty one Degrees westerly one hundred and Eighty perches to a Black Oak, Thence South Sixty nine Degrees westerly one hundred and Eighty perches To white Oak, Thence South twenty one Degrees Easterly Eighty perches to a post, Thence North Sixty nine Degrees Easterly Eighty perches to a post, Thence South twenty one Degrees Easterly one hundred and forty three perches to the place of Beginning.

Survey'd June 15th, 1741,

$\frac{1}{2}$ me, ZACH. BUTCHER.

Indorsed.

Peter Shultz, 151 acres.

State of the Case between sundry Germans settled at Conewago, over Susquehanna, in Lancaster County, & Mr. John Digges of Maryland, in answer to his Remonstrance transmitted by the Honourable the Governor of Maryland to the Honourable the Governor of Pennsylvania :

In May, 1739, the Temporary Line was finished between the two Provinces of Maryland and Pennsylvania, & as soon as it was known where that Line run, sundry Germans took out Warrants from the Proprietaries of Pennsylvania for vacant Lands lying to the Northward of it, at Little Conewago, over Susquehanna River, in Lancaster County, adjoining or near a Tract held by Mr. John Digges, under a Patent from Lord Baltimore, & as this Tract was surrounded by the vacant Lands of Pennsylvania, and for want of mark'd Trees in the Boundary Lines cou'd not be distinguished from other Lands; the People interested in those Warrants desired Mr. Digges to mark his Lines that they might know how to locate their Warrants, but he not only refus'd to do this, but threatened to obstruct any Surveys that shou'd be made in those parts by any of the Surveyors of Pennsylvania; whereupon they applied to the Secretary of the Pennsylvania Land Office to know what they shou'd do, and received directions to get the best Information they cou'd of the Courses of Mr. Digges's Patent, & to lay their Warrants close to the Lines of it, but not to interfere, for if they did, and Mr. Digges's Right shou'd be confirmed on the final issue of the cause in Chancery depending between the Proprietaries of the two Provinces, their surveys wou'd not be good, and they need not fear making their surveys contiguous to Mr. Digges's Lines, since as his Land was patented he could not extend his Claims beyond (nor in any wise be deemed possessed of a foot of Land out of) the Courses described in his Patent, without a Title from the Proprietaries of Pennsylvania, and such Title they might be sure he could never get to the prejudice of their Warrants. Some Years after this, viz: in November 1743, Mr. Digges apply'd to the Land Office of Pennsylvania to take up as much Land as would make his Tract a regular Square, believing, as he said, that to do this he should want 1000 or 1500 a's; he was told he might have a Warrant for what Quantity he pleas'd upon the usual Terms, but as divers Warrants had been taken out by some Germans for Lands contiguous to his Tract, no Warrant could be executed in such a manner as to injure their Right. He was likewise told that those Germans made heavy Complaints against him for not marking his Lines, and for perpetually altering his Claims as people came to Settle there, in order to hinder them from applying to the Land Office of Pennsylvania for any Land in those parts, and tho' Adam Furney's Survey, as well as sundry others, had been then executed, yet he did not Complain that any of them interfered with his Tract, but said he wanted a large quantity of Land to enable him to perform his Contracts with those Ger-

mans, but he would give no more to the Proprietaries of Pennsylvania than he had given to Lord Baltimore. This Offer he was told could not be accepted, the Commiss^{rs} of Property not being at liberty to depart from the usual terms, but he might apply to the Proprietaries at London, whereupon he desir'd the Secretary wou'd make the application for him, with design, as it afterwards appear'd, to take unjust advantages of those Germans, for on his return to those parts, he told them he had made an absolute Agreement with the Secretary for their Lands, and that their Warrants would signify nothing to them. From these Speeches and Mr. Digges's never yet thinking it worth his while to enquire what answer the Proprietaries gave to his Application, it may easily be conceived with what intent he made it, and what expectation he had from it. This consequence however plainly follows from it, that he then thought he must purchase from the Proprietaries of Pennsylvania whatever he wanted to make up the quantity of Land contracted for by these Germans, in case his own Tract shou'd prove deficient, or not extend so as to take in the Lands sold them by him, and that he himself thought he was not possessed of any Lands out of the Bounds of his Patent. He has, it seems, since alter'd his Notions, and has been advis'd, one of the Deponents say, by Mr. Delany to take this extraordinary method of a Resurvey with respect to which these observations are offer'd.—Without considering the validity of Mr. Digges's Title, which falls exactly within the last Paragraph of the Articles of Agreement entered into by Lord Baltimore and the Proprietaries of Pennsylvania in 1732, and may on that account be deem'd dubious as it will depend on favour, which Paragraph was read to Mr. Digges by the Proprietaries Secretary at Philadelphia, on his asking his opinion about his Right, It is obvious that as the Right of Granting all vacant Lands to the Northward of the Temporary Line does indubitably belong to the Proprietaries of Pennsylvania, no addition to the quantity of Land actually patented to Mr. Digges by Lord Baltimore could be made there: and tho' he may have a right by his Original Warrant to more Land than he took out his Patent for, yet can he not now have it to the Northward of the Temporary Line. Further, on examining Mr. Digges' Patent, it will appear that this Tract had been Resurveyed before his Patent issued, and that Mr. Digges had then an opportunity of throwing out or taking in what Courses he pleased. It may be true that sundry Courses were run out by Mr. Stephenson in the first Survey of this Tract, but doubtless they were of choice left out by Mr. Digges on the first Resurvey as being not worth his while then to take any but the very choicest Land; and shall he, at the distance of ten or eleven Years, now that ordinary Land is become valuable by the number of Settlers in those parts, be permitted to call, what there is reason to think he purposely rejected, an omission of the Surveyor? If so, he may come Ten Years hence and make the very same pretences. Besides it can be proved that in this last Resurvey neither Stephenson's origi-

nal Field Book, nor any other Field Book taken at the time of the first Survey, was produced, or made the rule whereby this last Resurvey was made, and that it manifestly includes a much larger Quantity of Land than was at first deemed by Mr. Digges himself to belong to him. And as there were no Lines marked at the first Survey, and it does not appear that Robert Owings, one of the Deponents on the part of Mr. Digges, was present thereat, how can he take upon him, at this distance of time, to say that there are no other alterations in this new Survey from the original one than those he mentions? tho' those alone are sufficient in Law to invalidate this new Survey.

ADAM FARNEY,
JON MARTIN INYFOSS,
his
DAVID & YOUNG,
mark

Endorsed—A State of the case of the German Settlers at Conewago over Susquehannah and Mr. John Digges, delivered to Gov. Thomas, 8th Sept. 1746.*

Gov. SHIRLEY TO Gov. THOMAS, 1746.

BOSTON, September 8, 1746.

Sir :

I am favoured with your two Letters of the 21st & 29th of August. As to what you mention of my taking upon me the Command of the Forces, It seems altogether inconsistent with my other Duty, For besides my Care of this Province under the distressing War with the Indians, His Majesty's Command to me to meet General St. Clair, upon his arrival at Louisburg, necessarily forbids my taking upon me this Charge. As to your Difficulty about subsisting your Soldiers, it seems plain by the Duke of Newcastle's Letter, that his Majesty expects that the Provisions should be purchased by the several Colonies, & the Soldiers billeted by 'em 'till their March, and I believe all the rest of the Govern^{ts} have so understood the matter & practiced it accordingly; It seems likewise to me that the Troops will be paid by the Crown, & that the respective Governours shou'd draw Bills for the Pay of their own Troops: As to my own particular, I have no Power to draw for the Pay of any more of the Forces than what are raised in this Province. I should think that the Forces raised in the Southern Colonies should repair to the Place of Rendezvous as soon as may be. I thank you for your Intelli-

* A Copy of this was sent to Gov. Bladen.

gence about the two French Ships that are designed for these Coasts ; Mr. Warren & I will send immediate advice to Admiral Townshend of this matter.

I am with the most perfect regard and esteem,
Sir,

Your most obedient
humble Servant,
W. SHIRLEY.

P. S. I have much to add to this Draft of the Secretary's, which many circumstances necessarily hinder me from doing by this post.
W. SHIRLEY.

The Honourable Governour Thomas. .

Endorsed—Letter from Governor Shirley, dated at Boston, 5th 7ber 1746.

GOV. CLINTON TO GOV. THOMAS, 1746.

New York, 7 Octor, 1746.

When I ordered the Troops from your Government into Quarters, I promised the captains to represent to you how necessary it wou'd be to furnish the Men with Blankets, whereupon they seemed satisfied in confidence of having them in like manner as the other troops are supply'd ; and I shall only add, that it is my opinion the Men cannot continue upon service without them. I have secured about 150 blankets of the right sort here, upon the credit of your Government, being all that can be gott, the Captains having declared every Man wou'd desert unless I promised to write to some merchant at New York for them. I am,

Sir,

Your most obed^t
humble servant,
G. CLINTON.*

The Hon^{ble} GEORGE THOMAS, Esqr.

Indorsed.

Letter from Gov^r Clinton dated 7th 8ber, 1746.

* See Colon. Rec., Vol. V., p. 56.

CASE OF JOHN DIGGES, 1747.

The Case of John Digges, of Baltimore county, in y^e Province of Maryland, and of Martin Kitzmiller, of York county, in the Province of Pennsylvania:

On October 14th, 1727, a Warrant was granted unto Mr. John Digges of Prince Georges county, Maryland, for ten thousand acres of land, he having given caution for the same, which Warr^t was continued in force by sundry Renewments, and was last renewed the 1st April, 1732.

On the 18th April, 1732, there was surveyed, in Virtue of the said Warrant, by Philip Jones, Deputy Surveyor under Charles Calvert, Esquire, Surveyor General, of the Western shore of the said Province of a parcel of land, said to lye in Prince George's county, aforesaid, called Digges's Choice in the Back Woods, the quantity of 6822 acres, and the same was returned into the Land Office, by sundry courses, from one place of beginning, viz: at three bounded Hickorys, and one bounded White Oak, and one bounded Wild Cherry Tree, standing at the mouth of a Branch which is commonly known by the Name of Gresses Branch, where it intersects with Conewago, and running thence North, &c. And Jones's certificate of Return was accepted and recorded, and thereupon a Patent issued to the said John Digges for the said quantity, bearing Date the 11th October, 1735, in the words, and according to the Description thereof, as set forth in Jones's certificate, at the annual Rent of £13...12...11 Sterling in Silver or Gold payable at Lady Day & Michaelmas.

On the 25th May, 1738, His Majesty issued his Royal Order for preserving Peace between the Inhabitants of Pennsylvania & Maryland, having been therein graciously pleased to ratify an agreement by Lord Baltimore and Prop^{rs} Penn., wherein, amongst other things, it was agreed that:

3d Article, "As to all Lands in contest between the said Prop^{rs}, "now possessed by or under either of them, shall remain in the possession as they now are, (although beyond the temporary limits "hereafter mentioned,) and also the Jurisdiction of the respective "Proprietors shall continue over such lands until the Boundaries "shall be finally settled; and that the tenants of either side shall "not attorn to the other, nor shall either of the Proprietors or their "Officers, receive or accept of attornments from the Tenants of the "other Prop^{rs}."

4th Art, "That as to all vacant lands in contest between the Proprietors, not lying within either of the three lower counties, and "not now possessed by or under either of them, on the East side of "the River Sasquehannah, down so far South as fifteen Miles, and "One Quarter of a Mile South of the Latitude of the most southern "part of the city of Philadelphia; and on the West side of the said

“river Sasquehannah, down so far South as fourteen miles and three
“Quarters of a mile South of the Latitude of the most southern part
“of the city of Philadelphia. The temporary Jurisdiction over the
“same is agreed to be exercised by the Proprietors of Pennsylvania,
“and their Governor, Courts and Officers; and as to all such vacant
“lands in contest between the Proprietors, and not now possessed
“by or under either of them, on both sides of the said River Sasque-
“hannah, south of the respective southern Limits in this parapraph
“before mentioned. The temporary Jurisdietions over the same, is
“agreed to be exercised by the Proprietor of Maryland, and his Go-
“vernor, Courts and officers, without prejudice to either Proprietor,
“and until the Bounderies shall be finally settled.”

In May, 1739, a temporary line was run, agreeable to the said Royal Order, by Commissioners, and returned to the King in Council.

The said tract called Digges's Choice, fell four miles to the northward of the said temporary line, so run & returned; and Mr. Digges has ever since remained in quiet and undisturbed possession thereof. But not content with his possession under the said Warrant, Return and Patent, as herein before set forth, numbers of Foreigners coming into those parts, and lands thereby rising in their value, he, by petition of the 15th July, 1745, applied to the office of Annapolis, under colour of some Error in the survey, for a warrant to correct those Errors, and take up contiguous Vacancy, tho' at the time of petitioning, the said Digges knew the land applied for was four miles to the northward of the said temporary line, and by the Royal Order the Right thereto was in the Proprietors of Pennsylvania, and not in the Lord Proprietor of Maryland, and most unjustly obtained a warrant which is likewise entered on Record in the Secretaries office, at Annapolis, expressly requiring the Surveyor of that county to add any vacant land he cou'd find contiguous to the said patented tract.

And in pursuance of this warrant, there was surveyed on the first Day of August, 1745, by the proper Surveyor, and returned into the office, a parcel of vacant land, contiguous to the said patented tract, containing 3679 acres, taking no notice of any Errors, for which the said Digges paid a new consideration, or caution money, viz, £183.. 19 St.

And on the 18th October, 1745, a Patent issued to the said Mr. Digges, for the said 3679 acres, on consideration of the said sum, & on a new & different Rent, from that reserved in his first Patent, namely, the sum of £21 & one half penny Sterl., payable in Silver or Gold.

On part of this additional tract, Martin Kitzmiller had made considerable Improvements before his majesties Order in Co.

All which proceedings, viz: Petition, Warrant, Survey & Patent, being in the year 1745, are an express violation of the Royal Order in Mr. Digges, & every officer concerned in the issuing & Execution of them, exclusive of, & without any regard to what was afterwards

attempted to be done to Martin Kitzmiller, whose case comes now to be represented.

In 1737, Martin Kitzmiller made a purchase of some Land, near to Mr. Digges's first patented Tract at Conewago, & the next Year built a House & mill, & made considerable Improvements on those Lands & was in possession of them at the time of the Royal order, and has been so ever since, paying the taxes, & doing the duties of an Inhabitant of Pennsylvania.

In 1747, he obtained a Warrant for his Lands from the Prop^{rs} of Pennsylvania, bearing date the 5th February, in that year, notwithstanding which,

In February, 1752, a man, a perfect stranger to Martin Kitzmiller, pretending to be a Maryland officer, accompanied by Dudley Digges & Henry Digges, sons of the said John Digges, John Stackers, Patrick Hoyle, Anthony Wormley, and John Seyfert, all engaged for the purpose, came upon the Plantation of Martin Kitzmiller, which is four Miles to the No. of the T. L., out of the lines of Digges's first Survey, tho' within those of the last, & arrested him at the suit of Mr. J. Degges, tho' an Inhabitant of York county, in in Pennsylvania, & being four miles to the northward of the temporary line, which officer was assisted by Mr. Digges's sons, & men engaged by Mr. Digges for that purpose; and Martin Kitzmiller & his Family, judging this an unlawful act, resisted the pretended officer, upon which the persons who came with him, went to his assistance. Several Blows passed on each side, and the affray cont^d until one of Martin K^s sons shot at D. D., & wounded him so that he died, upon this the pretended officer and his Companions fled.

Martin Kitzmiller & Jacob were tried on a charge of murder, in York county & acquitted, the place where the fact was committed being fully proved by a variety of Evidence, to have been in the last survey of Mr. Digges, and consequently in Pennsylvania.

Since the tryal & acquittal of the Kitzmillers, an indictment has been found against the pretended officer, and all concerned with him, for a Riot, which is now depending in the Court of York.

Herewith is sent an Exemplification of all the Warrants, Surveys & Patents, as they stand recorded in the Books of the land Office, at Annapolis, relating to the said land of Mr. Digges, together with a draught of the land comprised in the two surveys, from which the truth of the above state of Digges's Case will manifestly appear.

N. B.—On this tryal it was proved the pretended officer was not one, and no Writ or Warrant was shewn to justify the arrest, from whence all persons present concluded Mr. Digges had never obtained one.

Indrsed.

“Rough Draught of case of John Digges & Martin Kitzmiller, sent to Prop^{rs}.” It is much interlined, and some parts scored with a pen.

PETITION THOS. & RICHARD PENN TO THE KING, 1747.

To the King's most Excell^t Majesty in Council.

The humble Petition of Thomas Penn and Richard Penn, Esq^{rs}.,
Proprietors of Your Majesty's Province of Pensilvania,

Sheweth :

That his late Majesty, King Charles the Second, on the 4th of March, 1680, was graciously pleased, in Consideration of great sums due from the Crown to Your Petitioners late Father, to grant unto him, the said Province of Pensilvania, for the Purpose of settling a Colony there, and with Powers of Legislation and Government.

And Your Petitioners Father settled the said Colony entirely at his own private Expence, and from Time to Time, established the Constitution there, upon such a Basis, and past such Laws, agreeable to the Charter, that the said Province makes, at this Time One of the most flourishing of your Majesty's Colonys in America.

That by the said Charter full Power was granted to enact any Laws, whatsoever, for the Publick State, Peace or Safety of the said Country, or the Private Utility of particular Persons; which Laws were to be observed and kept there by all Persons, Provided that the same were consonant to Reason, and not repugnant or contrary, but as near as conveniently might be, agreeable to the Laws, Statutes and Rights of this Kingdom; and the Laws for regulating and governing of Property, for the Discent and Enjoyment of Lands, for the Enjoyment and Succession of Goods & Chattels, & likewise as to Felonies, were to be and continue the same, as they should be for the Time being, by the General Course of the Law, in England, until the said Laws should be altered by the Patentee & the Freemen of the said Province.

And his s^d Majesty thereby declared his Will & Pleasure, that a Transcript or Duplicate of all Laws, which should be so as aforesaid made in the said Province, should, within five Years after the making thereof be transmitted and delivered to the Privy Council, for the Time being, of his said Majesty, his Heirs & Successors; and, if any of the said Laws, within six Months after that they should be so transmitted & delivered, should be declared, by his said Majesty, his Heirs or Successors, in his or their Privy Council, inconsistent with the Sovereignty, or lawful Prerogative, of his said Majesty, his Heirs or Successors, Or contrary to the Faith and Allegiance due, to the Legal Government of this Realm, from Your Petitioners said Father, or his Heirs, or of the Planters & Inhabitants of the said Province, and that, thereupon, any of the said Laws should be adjudged and declared to be void, by his said Majesty, his Heirs or Successors, under his or their Privy Seal, that then and from thenceforth, such Laws, concerning which such Judgment and Declaration should be made, should become void, otherwise, the

said Laws so transmitted, should remain and stand in full Force, according to the true Intent and Meaning thereof.

That long before, and also at, the Time, the said Charter was granted, & for many Years afterwards, the Lords and Others of the the Privy Council, were the Persons who composed the Council for Trade & Foreign Plantations, until the Reign of his late Majesty King William the Third, when certain Commissioners were appointed for the Affairs of Trade & the Plantations, by Commission under the Great Seal; In which Commission, & the subsequent Commissions which issued, divers Lords, the Great Officers of State, & Privy Councillors, and Others, were appointed as Comm^s; Some of which Comm^s were not of the Privy Council to his said Majesty.

But, being so specially commissioned, for the Affairs of the Plantations, with express Power to examine into & weigh such Acts of the Assemblys of the Plantations respectively, as should from Time to Time be sent or transmitted hither, for the Royal Approbation, great Numbers of Acts of Assembly passed, in divers of your Majesty's American Colonys, were, from Time to Time, transmitted and delivered to the said Lord's Comm^{rs}.

That the Inhabitants of the said Province of Pensilvania, having, received great Loss and Hurt by many persons who traded thither, having for Lucre & private Gain, imported into the said Province, from divers of your Majesty's Colonys, and sold as Servants, divers Persons, who had been before convicted of heinous Crimes, the then Lieut Gov^r & Assembly of the said Province, in the Year 1722, passed,

[1722.] An Act for imposing a Duty on Persons convicted of heinous Crimes, and imported into this Province, as Servants or otherwise.

And, in or about May 1729, the then Lieut Gov^r & Assembly of the said Province, passed,

[May, 1729.] An Act for laying a Duty on Foreigners & Irish Servants, &c., imported into this Province,

Both which Acts, or Transcripts, or Duplicates of the same, Your Petitioners humbly apprehend were lay'd before the Lord's Commis^{rs} for Trade & Plantations, in a short Time after they were respectively passed.

That, the said Acts proving ineffectual, to redress the great Mischiefs which ensued from the aforemen^d Practice, the then Lieut Gov^r & Assembly of the said Province, in or about Feb'y, 1729, passed,

[Feb'y, 1729.] An Act imposing a Duty on Persons convicted of heinous Crimes, & to prevent poor & impotent Persons being imported into the Province of Pensilva^a.

By which last men^d Act both the former Acts were then repealed, (about 17 Years ago,) and divers further Provisions were made, for preventing those great Mischiefs, and Charles Read was appointed Collector of the Duty thereby imposed.

Which last men^d Act, or a Transcript, or a Duplicate thereof, was

likewise, long since, lay'd before the Lord's Comm^{rs} for Trade & Plantations.

After which Time, it being conceived, more regular, in Point of Form, that American Acts of Assembly, or Transcripts, or Duplicates, of the same, should be lay'd, immediately, before Your Majesty, The Lieut Gov^r & Assembly of Pensilv^a, on the 2^d of Sept^r 1738, passed,

[Sept^r 1738.] A Supplement to the Act, intituled An Act for imposing a Duty on Persons convicted of heinous Crimes, & to prevent poor & impotent Persons being imported into this Province.

Which last men^d Act, recited the Act of Feb'y, 1729, And that the said Charles Read, who had been thereby appointed the Collector of the said Dutys, was dead, & that the Circumstances of the said Province required, that the said therein recited Act should be put in Execution, and appointed a New Collector, for the doing and performing the Matters and Things, contained in the said recited Act.

And the said last men^d Act was, instantly, upon the most early Arrival here, to wit, upon the 18th of Dec^r, 1738, humbly presented at the Office of Your Majesty's Privy Council, in the strictest Regularity, & was afterwards referred to the Consideration of the Lord's Comm^{rs} for Trade and Plantations, & was not, at any Time afterwards, that Your Petitioners can discover, declared void by Your Majesty, in any Manner whatsoever.

That Your Petitioners are advised, that none of the before men^d Acts were intended, or ever made Use of, to prohibit or deterr, any Persons from importing Convicts into that Province, from Great Britain; And that no Person concerned in the said Province, or in the transporting Convicts thither from Great Britain, ever complained of any ill Effects arising from the same, after such Use & Experience thereof.

Notwithstanding which, & that the said two last mentioned Acts of 1729 & 1738 remained unrepealed, it having been barely suggested, to the Assembly of the said Province, that a Doubt might possibly arise, upon the Expressions contained in the said two last mentioned Acts, whether the same might be construed to extend to prohibit the Importation of Convicts thither from Great Britain, immediately, upon the Signification of such Possibility only of a Doubt, unto the said Assembly, They, in Feb'y, 1742, passed,

[Feb'y, 1742.] An Act imposing a Duty on Persons, convicted of heinous Crimes, brought into this Province, & *not warranted by the Laws of Great Britain*, and to prevent poor & impotent Persons being imported into the same.

In which Act is contained an express Proviso, that the same should not be construed to extend to hinder the Importation of such Servants or Others, who by any Acts of Parliament of this Kingdom, can or may be legally imported into that Province.

And the said Act repealed all the said four former Acts of the Years 1722, 1729 & 1738.

That the last men^d Act having been humbly presented to Your Majesty, on the 30th of June last, was, on the 7th of August last, together with five Others, referred to the Consideration of the said Lord's Comm^{rs} for Trade, who upon the 5th of Dec^r Instant, reported their Reasons to the Right Hon^{ble}, the Lords of the Comm^{tee} of Your Majesty's most hon^{ble} Privy Co^u why the said Lord's Comm^{es} submitted to their Lordships, Whether Your Majesty might not be advised to declare your Royal Disapprobation of the said last men^d Act of 1742.

And the s^d Report further states, That the s^d last men^d Act, repeals the three before men^d Acts of 1722 & 1729, and that those Acts had never been lay'd before Your Ma^{ty} for your Royal Approbation or Disallowance, And as They rendered ineffectual, the Statute of the 4th of his late Ma^{ty}, relating to the Transportation of Felons, &c., & were likewise liable to the same Objections, as the Act then under Consⁿ. The s^d Lords Comm^{rs} further submitted to the s^d Lords of the Com^{tee} of Yo^r Majesty's Privy Council, Whether Yo^r Ma^{ty} might not be pleased to declare Your Disapprobation of the said Three Acts of 1722 & 1729.

That the s^d Report was sent in to the Lords of the Com^{tee} on the 8th of Dec^r, Instant, without Your Petⁿ'rs having had any Knowledge or Expectation, that, upon a Reference made to the s^d Lords of Trade, of Acts passed in the Year 1742, they would report upon any other Acts, of so old Dates as the Years 1722 & 1729; The rather for that those Old Acts had been, many Years ago, before them & under their Consⁿ & not reported upon, at that Time; And much less had Your Petⁿ'rs any Expectation that the said Lord's Comm^{rs} wo^d, in so sudden a Manner, have reported, now, for the Disapprobation of such Old Acts, upon the Principles of their having never been lay'd before Yo^r Ma^{ty}, which Your Petⁿ'rs beg leave to represent, is a Point of the highest Importance to the ancient Laws & Establishm^t not only of the s^d Province of Pensilv^a, but of many Others of Yo^r Ma^{ty}'s Provinces & Colonys also, who may have lay'd their Old Acts, in like Manner, before the said Lords of Trade, along Time ago, & to which other Provinces, also, it may be of the last Consequence, to be liable to an Objection of that sort.

Yo^r Petⁿ'rs most humbly crave Leave further to represent to Yo^r Ma^{ty}, that this their humble Petⁿ do's by no means proceed, from a Desire to support any Act that can, by any Possibility, be construed to oppugn any Statute of this Kingdom, for that, on the contrary, the Assembly themselves, with the utmost Duty & Alacrity, immediately, on a Suggestion to them of the Possibility of a Doubt on that Head, most chearfully past the present Act of 1742 to repeal every One of the s^d former Acts (altho' they had found great Relief from the same) & Yo^r Petⁿ'rs have not the least Doubt but they will

as readily repeal the same again in a Manner not liable to any Objection.

Such the Proceeding of the Assembly, in this particular Instance, being agreeable to their Gen^l Duty shown, on all other Occasions, to any Intimation on the Part of Yo^r Ma^{ty}, or Yo^r Ministers; They themselves, on ano^r late signal Occasion, having in the Year 1733, past a Law to render effectual the Repeals, intended to have been made by Yo^r Ma^{ty}s Royal Ancestors, of many Acts of Assembly, some of which Acts were much esteemed by them; But, in Regard that the Intention of the Crown had been signified, for disallowing the same; altho' such Intention had not been carryed into Execution, the s^d Assembly, Themselves, in a ready & most dutiful Manner, past an Act to make such Repeals effectual.

And the s^d Assembly & Yo^r Petⁿs Lieut Gov^r there, have, in all other Cases, endeavoured to distinguish themselves, by the most ready & punctual Compliance with all Yo^rs Ma^{ty}s gracious Orders & Intentions whatsoever.

But, for as much, as the repealing of Old Acts of Assembly, which have been for a great Number of Years lay'd before, & under the Consⁿ of the Lords of Trade, upon the Principle of their not having been lay'd before Yo^r Sacred Ma^{ty}, is a Point of so great & extensive Consequence (not only to Pensilva^a, but many other Provinces) & hath not, hitherto, been established, tho' now (for the first Time, accord'g to Yo^r Petⁿs) proposed to be done.

And, as that Principle, if Yo^r Ma^{ty} shall think fitt that the same shall be established, may affect the most ancient & fundamental Laws of several Colonys, & tend to set aside those Laws, under which the s^d Province has been long ago settled, & the Gov^mt thereof carryed on,

And for that the Repeal of the s^d Three Old Acts, which is now proposed, if that Principle shall, upon Consⁿ, be found right, may at any Time be made after Consⁿ of that Point, as well as at this present Time; and that Two of the same Three Old Acts, now proposed to be repealed, stand already repealed, above 17 Years ago, And that no Opportunity at present offers, for transmitting Yo^r Ma^{ty}s Pleasure on the Third of the same Old Acts.

And for that the repealing of the s^d Three Old Acts, alone, without, at the same Time, repealing the fourth of the same also, which was passed in 1738, & most properly transmitted (& which stands as a Law, until repealed by the Assembly there) may introduce some Degree of Confusion into the said Affair, which Your Petitioners are most desirous to avoid.

Your Petitioners most humbly beseech Yo^r Ma^{ty} that You will be graciously pleased to afford them an Opportunity to be heard, by their Counsel, against so much of the said Lords of Trade's Report as relates to Your Majesty's now declaring Your Royal Disapprobation of the said Three Old Acts of the Years 1722 & 1729, as not having been long before Your Majesty; Before such Time as that Part of

the said Report shall be approved, Or that Yo^r Ma^{ty} will be graciously pleased to afford Yo^r Pet^{n^{rs}} such other Relief, in the Premises, & in such Manner, as to Your Majesty's great Wisdom & Goodness shall seem meet.

And Yo^r Pet^{n^{rs}} as in all Duty bound shall ever pray, &c.

THO. PENN,
RICH'D PENN.

Indorsed.

Dec^r 1746. Peticon to the King Of the Proprietors of Pensilv^a ag^t that Part of a Report from the Board of Trade of the 5th Instant, with advice the Repeal of some old Acts of Assembly, as not having been before lay'd before the King.

REPORT OF BOARD TRADE ON CERTAIN LAWS, 1747.

To the R^t Hon^{ble} the Lords of the Com^{tee} of His Ma^{ty}s most hon^{ble} Privy Council.

My Lords,

We have had under Our Consⁿ Six Acts, passed in the Province of Pensilvania, in Febr^y, 1742-3, referred to Us by Yo^r Lordship's Order of the 7th of August last.

We have also consulted Mr. Fane, One of his Ma^{ty}s Counsel at Law, upon the s^d Acts, who has No Objection thereto, in Point of Law, but we must take Leave to acquaint Your Lordship's,

That the first of these Acts, entitled,

"An Act imposing a Duty on Persons convicted of Heinous Crimes bro^t into this Province, & not warranted by the Laws of Great Britain, & to prevent poor and impotent Persons being imported into the same." Tends to prevent the introducing of such Persons into his Ma^{ty}s Province of Pensilv^a, who, either as Serv^{ts}, or in any other industrious Capacity, might be of Publick Utility, in the Improvem^t & well Peopling of the s^d Province; forasmuch as by this Act, the Ma^{rs} of all Ships, importing such Persons as shall be adjudged by the Magistrates there, to be poor, impotent, vagrant, or otherwise likely to become chargeable, are layd under so great Difficultys, by being obliged to give Security for the Behaviour of such Persons, & to be answerable for any Charges that may thereby be bro^t upon the s^d Province, at any future Time, (together with many other severe Penaltys,) as amount to a Virtual Prohibition of their Importation; and, altho' there is a Clause in this Act, by which it is provided, "That nothing therein contained, shall extend, or be construed to extend, to hinder the Importation of such Serv^{ts}, or

See the Report of Board of Trade, p. _

“Others, who, by any Acts of Parliamt of Great Britain, or of that
 “Part of Great Britain called England, can or may be lawfully im-
 “ported into the s^d Province.” Yet, as the same do’s not extend
 to all the Persons herein before described, or to such as may be im-
 ported from other Places, the Ma^{rs} of Ships, importing such Persons,
 will not thereby be exempted from the sev^l Restrictions & Penaltys
 incur^d in the said Act, w^{ch} will probably deterr them from import-
 ing them into that Province; for w^{ch} Reasons, We would submit to
 your Lordship’s, Whether his Majesty may not be advised to declare
 his Royal Disapprobation of the s^d Act.

We must further take Leave to acquaint yo^r Lordship’s, That this
 Act does repeal the following Acts passed in the s^d Province of Pen-
 silvania, viz^t.

An Act for imposing a Duty on Persons convicted of heinous
 Crimes and imp^{rt}ed into this Province, as Serv^{ts} or otherwise,
 passed in the Year 1722.

An Act laying a Duty on Foreigners & Irish Serv^{ts}, &c., imported
 into this Province, passed in the year 1729.

An Act imposing a Duty on Persons convicted of heinous Crimes,
 & to prevent poor & impotent Persons being imported into the Pro-
 vince of Pensilv^a, passed in the year 1729.

Which Acts, have never been lay^d before his Ma^{ty}, for his Royal
 “Approbation or Disallowance, & as they render ineffectual the Sta-
 tute of the 4th of his late Ma^{ty}, relating to the Transportation of
 Felons, &c., & are likewise lyable to the same Objections, as the Act
 now under Consⁿ. We would further submit to yo^r Lordship’s, Whe-
 ther his Ma^{ty} may not be graciously pleased to declare his Disappro-
 bation of the s^d Acts.

The four follow^s Acts relate to the private Economy of the Pro-
 vince, & we see no Reason why his Ma^{ty} may not be graciously
 pleased to confirm them, viz^t,

An Act for the more easy & speedy Recovery of Small Debts

An Act for continuing & amending an Act of Assembly, entitled
 a Supplem^t to the Act for the Electing Members of Assembly, &c.

An Act for vesting the Province Island, & the buildings thereon
 erected & to be erected, in Trustees, for providing an Hospital, for
 such Sick Passengers as shall be imported into this Province, & to
 prevent the Spreading of Infectious Distempers.

An Act for the more easy Recovery of Legacys within this Pro-
 vince.

With Respect to the follow^s Act, Entitled,

An Act for naturalizing such Foreign Protestants as are settled,
 or shall settle, within this Province, who, not being of the People
 called Quakers, do conscientiously refuse the taking of any oath.

We must acquaint yo^r Lordship’s, That, by an Act of Parliamt,
 passed in the 13th Year of his present Ma^{ty}, Entitled, An Act for
 naturalizing such Foreign Protestants & Others therein men^d, as are
 settled, or shall settle, in any of his Ma^{ty}s Colonys in America, it is

declared, "That all Persons, born out of the Legience of his Ma^{ty},
 "his Heirs or Successors, who have inhabited, or resided, or shall
 "inhabit or reside, for the Space of 7 Years or more, in any of his
 "Ma^{ty}s Colonys in America, & shall not have been absent out of
 "some of the s^d Colonys, for a longer Space than two Months at any
 "one Time, during the said 7 Years, & shall take & subscribe the
 "Oaths, & make, repeat & subscribe the Declarⁿ app^{ted} by Act made
 "in the 1st Year of the Reign of his late Ma^{ty}, King George the 1st,
 "or, being of the People called Quakers, shall make & subscribe the
 "Declaration of Fidelity, & take & affirm the Effect of the abjura-
 "tion Oath, app^{ted} & prescribed by an Act made in the 8th Year of
 "his s^d late Ma^{ty}, & also make & subscribe the Profession of his
 "Christian Belief, app^{ted} & prescribed by an Act made in the 1st
 "Year of King W^m & Queen Mary, shall be deemed, adjudged &
 "taken to be, his Ma^{ty}s Natural born Subjects of this Kingdom, to
 "all Intents and Purposes, as if them and every of them, had been
 "or were born within this Kingdom." Whereas, by this Act, the
 Liberty, given by the s^d Act of Parliam^t to the People called Qua-
 kers, is extended to all other Foreign Protestants, who shall consci-
 entiously refuse to take an Oath; but, as all such Persons are
 obliged to make & subscribe the Declaration of Fidelity, & the Pro-
 fession of their Christian Belief, & to take & affirm the Effect of the
 Abjuration Oath, conformable to the Direction of the a^d Act of
 Parliam^t with Respect to the People called Quakers, & as we are in-
 formed there are, at present, many Foreign Protestants, settled with-
 in that Province, who have been represented to us as a quiet and in-
 dustrious People, & who conscientiously refuse the taking of an
 Oath, We shall, therefore, submit to Your Lordships, whether his
 Ma^{ty} may not be advised to declare his Royal Approbⁿ of the s^d Act.

We are

Your Lordship's,

Most obed^t & most humble Serv^{ts},

R. PLUMER,
 B. LEVESON GOWER,
 DUPPLIN.

Whitehall, Dec^r 5th, 1746.

Indorsed.

5 Dec^r, 1746. Report of the Board of Trade upon Six Pensilv^a
 Acts past in 1742, & upon three Other Acts past in 1722 & 1729.

REPRESENTATION OF THE CAPTAINS AT ALBANY, 1747.

A Representation of the Captains of the four Companys raised in the Province of Pennsylvania.

To Coll^d John Roberts, in Albany, 7th January, 1746.

Sr,

Upon frequent Representations of our Men to us, We find they are in the greatest want, of Shoes, Stockings, Breeches & Shirts, The pay being so unfortunately detained has rendered them incapable of providing themselves with any of these Necessaries, & the Captains has already advanced such large Sums, that they have not a fund sufficient to provide for them. The severity of the Season, and the Nakedness of the Men, has put them upon forming Schemes to go off in a Body, which has hitherto been prevented, but without a timely supply, we know not what may be the Consequences.

We have now (out of four Hundred Men we brought into this Province,) three Hundred and sixty two Men that are now very Hearty, but are too much affraid the want of the above Necessaries, this cold Season, will cause Disorders among them, which obliges us to lay this Representation before you, not doubting but that you will use your Endeavours to serve us; We are in behalf of the other Captains,

Sr,

Your most humble Serv^{ts},

SAMUEL PERRY,
JOHN DIEMER.

Indorsed.

7th January, 1746. Representations of the Captains of the four Regiments raised in Pennsylvania.

PETITION OF INHAB'S OF CONEWAGO, 1747.

Mr. Koocksen, as you see the Infermation of Adam Furny and his family, which your humble petetioners have grat Resen to beleve to be trew by the wounds and abuseis they received, which sum of us is Daily Thredned with the same yuseige.

Thare for we humbly beg you would farther Rickomend us to the governer, that sum Releef may be spedely, for it is vary hard for us to Live af ter this manner, to be toren to pesis, for wee are no peple that are willing to Resist government, but rather to semit, if wee do but know how, and whare, and further Beg you would

* See Governor's Letter, May 7, 1747, page 738.

advise us how to behave most safely in the main Time, and wee your humble petetionars, shall all wais wish you well.

This from the Settlement of Little Canawaga, on the Disputed Land.

February the 2^d, 1746-7.

his
MARTIN \bowtie KITSMILLER,
mark.

his
MARTIN \bowtie BRIN,
mark.

ABRAHAM SELLEN,
HARRY SELLEN,

And numerous others.

Mr. Kooocksén these cooms to aquint you of the yuseige we met with of Mr. Digges, and of the government of Maryland.

Last week came an offiser from Maryland to serve an writ on Adam Furny, at the suite of John Digges, of an Trispas on the Case.

Which offiser came to the hous of Adam Furny, with two Negro man, and one Convict sarvant fallo of said John Digges, with three man more of Little Better Reputation, as wee are informed.

And as soon as the said porsens intred the hous, they fall upon Adam Furny, Draged him out Like a Dog, naver gave him Lave to put on any Klose, but what he had on, and so hoisted him awai, tho' a bitter could night.

When Adam Furny's wife and Doghter, under a grate fright and seprise, seeing the owld man so Barbariusly yused, fell about the ould man, not knowing what was the mater, Lementing and Crying.

When This Convict fallow up with an grate Club, knockt down both the wemin, and so folloed up hie Blows, and knockt down the ould women Twice more, after they had the ould man out, as if hee had been ordered to Commit morder, or some other outraigeus mischif. And that all with out any Resin, as none of us never Took up ather hand, stiek, or any other thing, to hurt any of them, or to ower defence.

Thus Is the Infermation of Adam Furny and his famly, at Little Canawaga, February the 2^d, 1746-7.

Indorsed—Complaint of y^e Dutch near Digges's Tract, at Little Conewago lands, &c. 2^d Feby, 1746.

DEPOSITION OF ADAM FURNEY, 1747.

Philadelphia, ss.

This Seventh Day of February, Anno Domini, 1746, Before me William Allen, Esq^r, Recorder of the City of Philadelphia, and one of the Justices in and for the City and County of Philadelphia, in the Province of Pennsylvania, personally appeared Adam Furney of the said Province, Yeoman, and made Oath on the Holy Evangelists. That on the Twenty-sixth day of January last past, this Deponent being at his dwelling House and Plantation, Situate on Little Cone-wago, about nine miles (as this Deponent understands and believes) within and on the Pennsylvania Side of the Line, commonly called the Temporary Line between the Provinces of Pennsylvania and Maryland. He, the said Deponent was then and there arrested by one John Wilmot, who called himself the Under Sheriff of Baltimore County in Maryland, upon a Writ issuing out of the Provincial Court of Maryland, at the suit of Mr. John Digges, and the said Wilmot having brought with him six other men all with large Clubbs in their hands, they laid violent Hands upon this Deponent, forced him out of his Dwelling House, and carry'd him away a Prisoner down to Baltimore Town, in Maryland, and there this Deponent entring Bayl to the suit thereby obtained his Liberty. And this Deponent further sayth, that before the said Wilmot, and his said Company, took this Deponent out of his House as aforesaid, some of them struck Louisa, this Deponent's Wife, and Eve, his Daughter, several violent blows with their said Clubbs, and gave his said Daughter, a deep wound in the head.

ADAM FURNY.

Sworn before me

WILL. ALLEN, Recorder.

Indorsed.—7th Febr'y, 1746. The Deposition of Adam Furney, taken before Mr. Allen. A Copy of this was sent to the Gov^r of Maryland.

Gov. BLADEN TO Gov. THOMAS, FURNEY CASE, 1747.

Annapolis, March 9th, 1746-7.

Sir,

I received your favour in relation to the arrest of a person on the Pensilvania side of the temporal line; I assure you I have never given the least encouragement to any thing of that kind, but on the contrary do all in my power to enforce obedience to His Majesty's Order in Council; as our Provincial Court will set in a few days, enquiry shall be made into the Affair, and if the Arrest was made beyond ye Line the person shall be discharged. I have never lost

sight of Mr Digges's Affair, but as the papers you sent me relative to it required his perusal, I sent him a copy of them, and appointed a day towards the latter end of this month for his coming up, he living at a great distance and the weather not then promising to break up of a long time. I believe I shall not be at the examination, I expecting Mr Ogle in every day to succeed me in this Government, but I think I may take upon me to assure you Mr Diggs and his adversarys will be impartially dealt by.

I am with great Esteem, Sir,

Your most obedient

humble Servant,

THO. BLADEN.

Indorsed.

Governor Bladen's L'r to ye Gov^r about Furney & Diges, 9 March, 1746-7.

GOV. OGLE TO GOV. THOMAS, 1747.

Annapolis, March 26th, 1747.

Sir,

I take this opportunity of acquainting you with my Arrival in this Province, & taking upon me the Government thereof, & to assure you of my Readiness to lay hold of every opportunity of promoting a friendly & neighbourly Correspondence between the two Provinces, & shall think my self very happy if I can in any manner promote his Majesty's Service, or obey your own particular Commands, being with very great Sincerity & Esteem,

Sir,

Your most obedient

& very humble Servant,

SAM. OGLE.*

R. PETERS TO THOMAS COOKSON, &C., FURNEY'S CASE, 1747.

Sir :

I beg the favour of you to go wth the inclosed to Adam Furney. at little Conewago. They are directed as you see to Mr. Calder, who is to defend Adam Furney at the Supreme Court on a writ served upon him, manifestly within this Province; and as the affair may greatly affect our Prop^r, and I can place a confidence in you, I am obliged to tell you y^t the whole will turn on this single point,

* This is his third term; Gov. Bladen having been since 1742;—the letter on page 645 is by mistake directed to Gov. O., instead of to Gov. B.

whether the place where Adam Furney was arrested, be or be not within our Province. I take it that it is notoriously so, and therefore Adam Furney must take along wth him two witnesses at least, to Annapolis, who can swear y^t the place where he was arrested, is wthin our Province, & at some distance from Digges's tract; and this they must be able to do in a clear, positive manner, & therefore they must be sensible people, & people who know Digges's tract well, & Adam Furney's house, & can give a satisfactory account of things, so that the Court may understand them. I must, therefore, beg of you to attend Adam Furney in finding out such persons, & examine them yourself, & be satisfied y^t they will answer the purpose effectually by giving a plain evidence. Adam Furney is to bear the expences of, & keeps an account for himself and witnesses, y^t I may know what to pay them on their Return. I have undertaken to pay y^e lawyers, so that he will have no fees to give them. As to the Court Charges, he must take care to take money enough wth him to defray these, & Mr. Calder will find Bail for him if necessary. He is at such a distance y^t he must thank himself for this, however, as he occasions an infinite deal of trouble, he ought to be content & on his return I will settle with him & pay. Tell him he need not doubt a good protection, & y^t Mr. Calder will see y^t he is not ill used.

Our Attorney General cannot go to Annapolis, as it is our Supreme Court, but he has given all necessary directions to Mr. Calder so y^t he has nothing to do but to deliver y^e inclosed letters, & Mr. Calder will take care of him and his witnesses. He must be very frugal, as y^e Expences will necessarily run high, and therefore he is to press his discharge, & not to stay a moment after he is at liberty to go home. Pray make Adam Furney understand all this well, & let him repeat it to you, y^t you may be sure he understands it.

To Mr. Cookson,

or to Mr. Smith,

or to Mr. George Gibson.

1st April, 1747.

Indorsed.

Ro^{ff} Draft of a Letter sent to Mess^{rs}. Cookson, Smith or Gibson, on the Dispute between Furney & others, & M^r. Digges, 1st April, 1747.

R. PETERS TO THOMAS CALDER, ESQ., 1747.

Sir :

As Mr. Digges has thought proper to execute a writ of the Supreme Court of Maryland against Adam Furney, within the Jurisdiction of this Province, I desire to retain you for Adam Furney, & shall send you by the first good hand two pistoles, for Mr. Francis, by whom I promised to send it, is detained here by our Supreme Court. I cannot trust the bearer wth it. I would likewise have retained Mr. Tighlman, but Mr. Francis has undertaken to do that. I refer you to Mr. Francis's Letters, w^{ch} will be delivered you wth this. Mr. Digges may perhaps have a good cause of complaint against Mr. Furney; let that be as it will, for I know nothing of it. Mr. Digges should not have executed the writ within our Province. In taking this unjust step he has rendered it necessary that I for y^e defendant should shew the Court y^t it is against the King's order for settling the temporary limits of y^e two Provinces, and I think if I am not much misinformed, y^t y^e witnesses who accompany Adam Furney, will prove this to their satisfaction; and if so, I think they will discharge the action. If they do not, you are to take care to defend Furney in such a manner as y^t there may be an appeal to the King in Council, & y^t all the Proceedings be regularly and legally attested. I am exceedingly concerned at this renewal of a Dispute y^t has already been so troublesome & expensive. Our Gov^r had reason as you will see by y^e inclosed, viz, y^e law passed between your Gov^r & his to think y^t tho' it has been carried to this length, y^e Court would discharge y^e action. I am apt to believe if I am so happy as to have your & Mr. Tighlman's assistance in putting that thing in its proper & true light, that they will still do it. Be pleased to give an explicit Narrative of what passes at your Court, y^t I may send it to our Prop^{ry} at London, for they will expect an ample and clear detail of the whole, wth your opinion what is best to be done at any future Court in case y^e affair goes off, or is postponed at this.

I cannot tell what to say as to y^e necessary law charges of the officers of the Court. I have wrote to Adam Furney to pay them, but if he does not be pleased to advance them and I will repay you immediately, wⁿ I send your fee. If Bail be necessary, I will give Bond to indemnify any p^{son} y^t you shall procure to be Bail, and to prevent unnecessary Expenses, procure a discharge as soon as possible for Adam Furney & Company, & be pleased to see y^t they do not stay in town after they are discharged.

1st April, 1747.James Calder, Esq^r.*Indorsed.*

Roff Draft Letter to Mr. Calder in order to retain him on behalf Adam Furney, &c., @ Mr. Digges.

2nd April, 1747.

THOMAS COOKSON TO R. PETERS.—FURNEYS CASE, 1747.

Sir :

Yesterday some people came down from Adam Furney, in order to go to Philad^a for directions how they should act at the Supreme Court at Annapolis. They are clear, intelligible men, & speak English well. I find by them that the Point on which you expected it to turn in our favour is against us. The spot where Adam Furney & his son were arrested is actually within Digges's Old Survey & Patent Land. This I have repeatedly asked them, and find them as Positive & certain that it is so. From this you cannot expect to have the actions dismissed, but upon the Merits That the place in which the Trespass is supposed to be done is within y^e Province of Pennsylv. So that I imagine, all that can be done at this Court, will be to put in Bail to y^e actions. I have sent Mr. Smith over with the People to Adam Furney, with the Letters for Mr. Calder & Mr. Tilghman, with the instructions you gave me, & what further I thought necessary. I suppose there's some mistake in y^e time you say the Court is to be held at Annapolis. By our Almanack they are held y^e 3 Tuesday in May & October. However, I have not put any thing off on that supposition. And I hope His Honour will Excuse my going over to Conewaga in person, on acco^t of my family; my wife being much worse, & not to be trusted alone. Next week I send my little girl to Philad^a, & get a proper person into y^e House, to take care of my Wife, that I may be at Liberty to transact y^e necessary Business of my office,

I Received yours with Silver's Bond. I Believe He'll endeavour to raise money to pay off these executions without sale of his place. I shall, however, acquaint him that you expect y^e money to be rec'd soon. I shall be in town before I can Extend y^e Temporary Line, and shall afterwards be at full Liberty to do y^e Business.

I am, S^r Y^r most Obed^t h^{ble}Serv^t,

THO. COOKSON.

Lan., 6 April, 1747.

Directed.

To

Richard Peters, Esq.,

Province^l Sec^yry

at

Philad^a.*Indorsed.*

Mr. Cookson's Lre, 6 Apr, 1747.

COPY R. PETERS TO MR. CALDER—FURNEY'S CASE, 1747.

Sir,

One Adam Furney, a German, at Conewago, over Sasquehanna, in Lancaster County, will bring you and Mr. Tighlman sundry Letters from Mr. Francis & my Selfe, praying your Assistance on his being arrested, as he swore, within our Province, by a Writ issuing out of the Supreme Court of Maryland. But I have just now received a Letter from Mr. Cookson, who has had the Examination of some sensible people in Furney's Neighbourhood, & they tell him y^t the place where Furney was arrested is actually within Mr. Digges's tract, & if so, it is no affair of our Province, & therefore I have the Governor's Orders to send a Special Messenger to you to prevent your being concerned for or any ways appearing on behalf of our Proprietors of of this Province. Let Adam Furney defend his own Cause, since he has entirely misrepresented the situation of the place where he was arrested. If Mr. Digges sells any Land out of the Bounds of his patented tract, Let the Buyer look to, for all Land out of that tract is vacant & manifestly belongs to our Proprietors, and if the Sheriff of Maryland executes any Writ on any Lands not within Digges's patented Land, to the Northward of the temporary line, such service will be against ye Royal Order, & it will be encumbent to shew on behalf of this Government that it is not wthin ye Jurisdiction of the Maryland Courts. It was upon this Principle Mr. Francis and I receiv'd the Governor's Orders to write to you in the manner I did, & you are now to take no notice of those Letters, you may I think do our Governor the Justice to inform your Gentlemen of his Candour in this Affair, & I hope it will ever be the case of all persons concerned in this Government, not to support any persons but where there is a palpable violation of ye Royal Order.

But tho' you are not to appear on the behalf of this Government, yet if Adam Furney applies to you, I don't mean to hurt the man tho' I have just reason to be angry wth him. I look upon him to be egregiously abus'd, & y^t Digges has sold him Land w^{ch} belongs to our Proprietaries, & y^t if his case was well understood, Digges cou'd never recover one Farthing against him, but this is his own concern & of a private nature.

9th April, 1747.

To Mr Calder.

Indorsed.

Copy L^r to Mr Calder ab^t A. Furney.

R. PETERS TO ADAM FURNEY, 1747.

Adam Furney,

I ask'd you over and over whether your house was within or without of the Lines of Digges's Tract, & you not only told me but I think took your Oath that it was at some distance from that Tract, within our Province, & on this Information, which you said could be Supported by all the neighbourhood, I have been at the trouble of writing to Mr. Calder to appear for you, & did propose to have given him a proper Fee, but now that I have received better Information from Mr. Cookson, y^t ye place where you was arrested is within Digges's patented Lines, I have withdrawn my Retainer of Mr. Calder, & you are left now to make your own defence in the best manner you can. I suppose Mr. Calder will serve you if he is not retained on the other side, & I would advise you to employ him, but take notice that I have nothing to do with you or your cause. Do not mistake me as if I meant to say by this that Mr. Digges has any right to an Inch of Ground but what is within his Lines, & if you pay him for any Land out of his Lines you pay in your own wrong, & our Proprietaries, if they have not been already paid, will be paid again for that very Land, & if at Mr. Digges's suit a Maryland Sheriff serves a Writ on any Land out of his patented Lines he will be guilty of a Breach of the Royal Order, & will then do an injury to this Government w^{ch} will be properly treated. But your case is of a nature y^t no way concerns our Proprietaries, tho' I own to you that it would be no difficult matter for you to put Mr. Digges in the wrong, if you had an able Lawyer & could make it appear y^t he has sold you Land y^t does not belong to him.

I am on all proper Occasions,

Your Friend to serve you.

Indorsed.

Copy L^r to Adam Furney, 9 Apr., 1747.

TENCH FRANCIS TO MR. CALDER, 1747.

Dear Sir,

Some time ago I wrote to you at the request of our Secretary, to appear for one Adam Furney, at the Suit of Mr. John Digges, of your Province. I there stated you the case as if Furney had been arrested in his own house, out of Mr. Digges's Original Survey, and consequently in the Province of Pennsylvania, But I now write to, you by the special order of our Governor, to let you know that by Informations unquestionably true, since received by him, it appears that Furney's house is within Mr. Digges's original Survey, and the

Lines mentioned in his Patent, and so within the Province of Maryland, And as our Government determines never to defend any Persons against the process of yours, but such are arrested contrary to the Royal Order, I request you'll not appear for Furney on behalf of the Propriet^{rs} of Pennsylvania, or under any directions from our Governor. If the Man applys to you, our Government has nothing to do with it, and you must use your own discretion how far you'll concern. I am obliged to write in Court and therefore in haste conclude.

Y^r most h'ble Serv^t,

TENCH FRANCIS.

Philadelphia, 9th April, 1747.

Please to tell Mr Tighlman that he is to look upon this Letter as wrote to him, for he was to have been concerned as well as you.

Your most humble Serv^t,

RICHARD PETERS.

Indorsed.

Copy Mr. Francis's L^r to Mr. Calder, 9 Apr., 1747.

J. CALDER TO R. PETERS, 1747.

Sr,

I have yours of the 9th Inst, Furney has not apply'd to me; presume I may see him at Annapolis, where our Court hold next week, I shall carefully observe the contents of your Letter now rec'd in that affair.

I return my thanks for the two pistoles enclosed, & am

Sr,

Yo^r most h'ble Serv^t,

JA. CALDER.

Chest^rtown, Ap^l 9th, 1747.

1st May 1747, P^d Mr Peters to send Mr Calder L 2, 14.

Indorsed.

[Sent afterwards an Express to Mr Calder on discovering that ye house in quo was within the Lines of Digges's Patent.]

FERD. J. PARS ON BEHALF OF PROPRIETARIES TO
R. PETERS, 1747.

(Triplicate.)

Surry Street, London, 16th April, 1747.

Sirs:

It is at the Desire of Thomas Penn, Esq^r, that I write you this Letter, & on the following Occasion. The Decease of his late Elder Brother, makes it absolutely necessary to file a Bill of Revivor in the Suit ag^t Lord Baltimore, To which Bill the legal Representatives of the late John Penn, Esq^r, as to his Personal Estate, must be Partys; and, as he made several Executors, viz: Three for his Personal Estate in Great Britain, (all of which have proved here,) One more for his Personal Estate in Pensilvania, & the three Lower Countys, and another for his Personal Estate in New Jersey, so our Councill devise, in Order to prevent any Objection, that all those several Executors, (who, altogether do represent his whole Personal Estate) should be Partys to this Bill of Revivor; & tho' the filing of the Bill need not await for the actual granting the Probates, in the several Places, to those respective Executors, yet, that at the hearing, Probates, under the proper Seals, to each Executor, respectively, must be produced, so that a Matter to be sett about immediately, is, to obtain a Probate of the Will to Proprietary, Thomas Penn, for Pensilvania & the Lower Countys, & a Probate of the Will to Proprietary Richard Penn, for New Jersey. We have spent a good Deal of Time in endeavouring to find out, on what, or whose Oath or Affirmation, (whether that of the Executors, or those of the Witnesses, or both,) your Register General proceeds to grant Probates, but the late Edition of your Pensilvania Acts will not inform us. If Mr. Hamilton had been arrived from Ireland, (which he is not yet,) he possibly might have given some Information, but none here, that could be thought of, could give any Light into this Matter. However, notwithstanding we are here so much in the Dark, as to the Method of proceeding in this Case; even as to Pensilvania itself, & rather more so, as to the Lower Countys, & as to New Jersey, yet, its supposed that You will not be so, but you will readily fall upon, & execute, the readiest & most proper Means for obtaining Probate of the Will of John Penn, Esq^r, as to Pensilvania, & the Three Lower Countys, to be granted personally unto Tho^s Penn, Esq., & for obtaining Probate of the same Will, as to New Jersey, to be granted personally unto Richard Penn, Esq^r, for upon that Supposition, we shall at present file our Bill of Revivor, which cannot afterwards, be varied or altered, without great Delay, Expence & Inconvenience. We imagine that Yo^r Register General will issue his Commission to some persons here, (& so likewise the

proper officer in the Lower Countys, & in New Jersey,) to take here the Oath or Affirmation of the respective Executors, & of the Witnesses if usually done; and that, on the Return of those Commissions from hence, executed back to the Officers from whom they issue, they will grant One, or indeed several Duplicate Probates, because of the Hazard in sending them hither afterwards. But we can not prescribe Rules to, but must take the Rules Comonly observed, from the several Officers. Only, as you see the Purpose which is ultimately to be answered, You will please to do what is requisite in Order thereto, with what reasonable Expedition you may. It is true that a Probate of Mr. John Penn's Will (by his English Executors, & as to his Personal Estate in Great Britain,) is, I suppose, recorded with You now. If the several Courts & officers in Pensilvania, in the Lower Countys, & in New Jersey, do all agree that that Probate already recorded, & to be produced there, is a sufficient authority for them to grant Probates, now directly, (without any further Commission or Proof) to Mr. Thomas Penn, for Pensilvania, and the Three Lower Countys, & to Mr. Richard Penn, for New Jersey, & will immediately grant out Probates, accordingly to them, & Duplicates, Farr be it from Us to desire any Matters of Supererrogation, We only desire to have the Probates in the easyest and speedyest Manner we may. I own I apprehend some Difficulty in this uncommon Case, if Commissions must be sent over hither, because I do not know how the several Executors, or the Witnesses, if they should be to be examined, will be able to speak to a Will, which none of those Courts are possest of, so as to send over along with the Commissions, but I will not start Difficultys, which perhaps may never aise, but remain

Sir,

Your most humble serv^t,

FERD. JOHN PARIS.

Mr. Peters:

I shall only add, that I desire you will not loose any time in getting duplicates of the probat to me in Pennsylvania, and my Brother in Jersey, and sending them by first opportunity.

I am,

Your affectionate Friend,

THO. PENN.

Endorsed—Mr. Paris's Letter. 16th Apr., 1747.

* Col. Rec. vol. V, p. 62.

Gov. CLINTON TO Gov. THOMAS, 1747.

New York, 19th April, 1747.

Sir :

The inclosed Packit is come to me from Goven^r Knowles by an Express, desiring I would forward it, and I have just returned him answers y^t I have desired the same favour from you, & hope you will excuse the trouble from

Sir,

Your most humble
and obedient Servant,

G. CLINTON.

The Hon^{ble} Gov^r Thomas.

Indorsed—Gov^r Clinton's Letter about sending forward Gov^r Knowles's Letters to Virginia. 19th April, 1747.

CAPTAINS AT ALBANY TO R. PETERS, 1747.

Half Moon, April 22^a, 1747.

Sir :

We take the Liberty of troubling you with the Enclos^d, which we Entreat you would give your Presence with to y^e Governour, it is to Interceed with him for seperate Commissions for each Subaltern, as we are frequently Order'd out on Detachments & on Escorts, with Amunition, Provisions, &c., & these Detachments are frequently attacked, if any of us should meet y^e Misfortune of being taken, we have nothing to Produce to y^e Enemy, to Convince them we are officers. His Majesties Commissions has been unexpectedly Detain'd, and this season will require us to be more frequently Expos'd to y^e Enemy. We therefore request you would be so good as to speak a favourable word to his honour in our behalf. All the other Provinçess have given their Subalterns, each a Commission, & you well know are included in y^e Captains Commission, which they keep by them for their service. Your Compliance with the above, will be a favour always acknowledged by

Sir,

Your most h^{ble} Serv^{ts},JOS. RUSH, Esq^r.

JOSEPH MORGAN, Ensign.

DAN. BYLES, Lieut.

JAS. LAWRIE, Lieut.

JACOB KOLLOCK, Lieut.

P. S. Lieu^t Wilt & Ensign Stevenson, is now on Detachment at Saraghtoga, they have communicated sentiments agreeable to this Request.

DAN. BYLES, Lieu.

Indorsed—Lre from the Officers at the Half Moon, above Albany.
22^a Apr, 1747.*

INDIAN LETTER TO PRESIDENT AND COUNCIL, 1747.

May y^e 1st, 1747.

Brother of Philadelphia:

The Inomey Nation in our tratey with them told us to Incorig thire Brother to Sufer his peopell to Deal with them, for their wives and childeron are Sufering for want of Clothing, and the nations in frendship with us, that trades with the English, will Oblidge us if they Incorige their Brother to Look On them as unifensife peopell, Ridey to stop their ears from Harkening to the French Deluding Speeches, And hope that this Small present of ten Dress Scins and fife Bauer Scins will Be Excepted of as a tockon of thire Sinceritey, and hauing an answeare Doth Resolve to quit thire twowns and habitations, and will Settell in a Conuanent place Caled Inomey Creek, for the traders that will Deal with them may hauce the Less trouble in Cuming to them, and farder desires the fauour of hauing a litell mor pooder giuen us By the traders for our pay, as formerly they did, and farder Sayeth that it is not an nation speaks, but all the nations about, fife Nations and others, with a string of wampum, as our Custom is when we speak truth, expecting an answer, wee will give a farder Account Concerning afaires.

Mingow } ADECAGHLONADOE } his
mark

Mingow } TANAREECO } his
mark

Shaucenow } COGHCOWAG } his
mark

Shaucenow } NOOCHEGRONOW } his
mark

Mingow } ORSCANYADEE } his
mark

Mingow } TOMENEYBOCK } his
mark

ALEGGAINNEY, April y^e 20th, 1747.

* See reply, p. 738.

Endorsed—A Letter from the Mingoes and Shauonese about the Inomey Indians, a Nation or Tribe on the Lake Erie, to the President and Council.

The Skins mentioned in y^e Letter were delivered to Peter Sheaver who is not yet come to Town.*

SECRETARY PETERS TO CAPTAINS AT ALBANY, 1747.†

Gentlemen :

I have it in charge from the Governor, to desire you will send the Dates of your Respective Certificates or Commissions, in order that the same may be inserted in new Commissions, w^{ch} I am preparing: one for each Captain, one for each Lieutenant & one for each Ensign, y^t in case of Separation every officer may have a distinct & single Commission in his Possession, and as the Governor will depart y^e Province in three or four weeks, you will not fail to transmit to me the Dates, or Copies, just as you please, of the Certificates given you when you were here.

We have ever been without any knowledge of any Schemes forming at home in relation to you, and indeed as I knew nothing w^h could be of any manner of service to you, & have for some time entertained unfavourable Opinions of the measures of those who are concerned in that part of the British Administration, y^t has the care of America, I forbore writing from pure Resentment. No man wishes you better, nor has your Interest more at heart., nor can be readier to serve you on any Occasion yⁿ mysele, and tho' I have not wrote to you, it has not been for want of affection, but for want of a Subject y^t could give you Satisfaction. I am favoured with sundry letters, w^{ch} I return you my thanks for, & shall hereafter conquer my Resentment so much, as to do what is due to Civility & good manners & y^e love I bear you, & if I keep my Resolution, you will for the future have a more punctual Correspondent.

I am

Gentlemen,

Your most humble

Servant.

Philad., 27th May, 1747.

To Capt. Diemes or to any other officer of the Pennsylvania Captains.

Endorsed—Draught of the Secretary's Letter to the Captains at Albany, by order of Gov. Thomas, dated 7th May, 1747.

* Read in Council 17th August, 1746.

† See p. 736.

RESIGNATION OF JAMES LOGAN, FROM COUNCIL 1747.

My Lett^r to the Governour of the 11th of May, 1747.

May it please y^e Govern^r,

I was much Surprised last night at my friend R^d Peters Message to me from the Govern^r, for I could make no manner of doubt of his remembring, not only what I had said, but repeated to himself, and more especially before the Council themselves, at the last meeting with our Indians in 1742, that I attended then only on their acct. The Proprietor himself, at his leaving us in 1701, having in a most Solemn manner, at a great meeting with them, recommended me to them as the person particularly Intrusted to take care of them in his behalf, and likewise them to me, from whence they distinguished me so far: that I had often some difficulty to oblige them to consider the Govern^r in his Station as became them. As this was the only reason of my attendance there, from this positive Ord^r of the Proprietor to me, when I was not yet of the Council, I have considered myself, especially since the time I was visited with the Palsy, as much dead in that Political capacity of a Member of the Council, as if I were actually laid in my Grave, which I expect cannot be now far distant from me. I am sorry I should have occasion from this message, of putting the Govern^r in mind again of the above, being in all other respects with great regard.

The Governors Faithful friend,

J. LOGAN.

Stenton, May 11th, 1747.

To this the Governour was pleased in a Paragraph of his Lett^r of the 13th to answe^r as follows:

“Your Declaration did not Slip my memory, but I could not take
“that for an absolute Resignation, which reserved your Right to
“take your place at the Board upon some particular occasions, with
“some expressions of Respect that followed.

For this reason I must subjoin the following to R. P.

My friend Richard Peters:

As thou art now Clerk of the Council, as well as Secretary, I must request thee to assure the Governour, as also the whole Council when they meet, that I have ever from his accession to the Governm^t, considered myself as wholly divested of every pretence to claim a Right of Sitting at that Board, and this in no disrespect to the Go-

vernour himself, whom I shall, from our past experience, always consider as the most worthy of that Station, of any person that has held it for above these forty years past, but solely in regard to my known bodily infirmities. I therefore, hereby request that there may be enter'd into the Minutes of Council, my absolute Resignation and declaration against my being deemed or reputed a member of that Board, in any respect whatsoever. Thy compliance with which, will oblige

Thy very Loving friend,

JAMES LOGAN.

Stenton, May 25th, 1747.

Indorsed—May 25, 1747, Letter from James Logan to the Sec'y.

EXTRACT OF A LETTER FROM COL. JOHN STODDARD TO
GOVERNOR SHIRLEY, DATED MAY 13, 1747.

I send you the Letters I lately receiv'd from Albany, by w^{ch} your Exc'y will perceive that the Six Nations are thoroughly engaged, & that most of them, together with some others of their Allies, are likely to join in our Service. I think with your Ex'cy & the Council, that the encouraging these Indians, is a thing of great Importance.

The several Governm^{ts} have been endeavouring for near three years past, to perswade those Tribes into a War wherein they had not any Concern but to serve their Friends, and they seem generally got into it, & have left their hunting and other means of living, & exposed themselves & Families for our Sakes, and can we expect they should fight for us, & devote themselves to that Service, & we suffer them to starve, or can we expect that they go a Warfare for us at their own Charge, or can we expect that Col^o. Johnson & Mr. Lydius should pay the Reckoning; They have taken a great deal of Pains to get the Indians into the War, & have effected more than the Governm^{ts} did in a Course of years; & can it be thought that they should spend all their Substance in rewarding the Indians for their Service. It will cost them about 6 or £700, to fit out 100 men for War, (in York Money,) as may be seen by Lydius Letter of March 26th, and how many hundred will soon be out, & how many times they will go out this Summer, others can guess as well as I.

To let the Design drop now, we have a hopeful Prospect of distressing our Enemy, would be fatal, for the Indians may well say, as they often suspected beforehand, that our design was to get them into the War, and then leave them in the Lurch, & then we should fail of their Assistance, & no wonder if they should reconcile them-

* See Vol. V. p. 67, 68, Col. Rec. Wm. Logan succeeded him.

selves to the French, w^{ch} they would be glad of, & then take Part with the French against us; For the Indians are of such a Humour, that if we deal justly and kindly by them, they will put their Lives in our hands, but if we deal deceitfully with them, that will soon raise an Abhorrence of us. Col^o. Johnson & Mr. Lydius, are now under a Necessity of going forward & fitting out the Indians, so long as they have any Substance remaining, & when that is gone, the Affair will be at an End.

Therefore, I see no way but for the several Governm^{ts} to send Supplies of Money or Goods, to enable those Gentlemen to carry on the War; I think it altogether just, that the several Governm^{ts} do contribute towards the Charge, & doubt not but several of them would chearfully agree to it upon proper Application being made to them, and 'tis probable that the Money so expended, would do us twenty times as much Service as what we have heretofore expended in the War. Were it in my Power, I would send a thousand pounds in our New England Bills, or in suitable Goods, to those Gentlemen, for their present Necessity; this would revive their drooping Spirits, (whilst they are full of Expectations of being undone,) & would greatly animate the Indians; Such Causes ought not to be Starved for want of a little Oyl to keep y^e Wheels in Motion.

Examined per

J. WILLARD,

Secretary.*

Indorsed—Extract of a Letter from Col^o. John Stoddard, to Governor Shirley, dated 13 May, 1747. Read in Council, 11th June, 1747.

INDIAN LETTER TO GOV. THOMAS, 1747.

May y^e 16th, 1747.

Brother Owass Giaboga,

Last fall when our Kings of y^e Six Nations were Down att Albny, you & our Brother of New York, gave them y^e hatchett to make use of against y^e French, wchich wee very willingly, & with True harts Tuck hould of, and has Naw Made use of itt and killd five of y^e French, hard by this fort which is Call^d Detroat, and wee hope in a Little Time to have this fort in our posesion, we can ashure you Brother, wee Shall Take all Methods to Cutt of all y^e French in These parts; wee are Likewise Joyn^d by y^e Misasaga & Toaways,

* Received in Gov. Shirley's letter June 1, which see also Colonial Records, Vol. V p. 72.

which are all as one with us; we Now Take this opertunaty of presenting you by y^e berrer, one of those Frenchmen's Sculps, ashuring you itt Shall not be y^e Last of them, you Shall see More of them as Soon as we have Complated a victory over them all in Those parts, which wee hope will be very Soon Done; we hope Brother, you will Consider that wee Shall be in need of Some powder & Lead, to Carrey on y^e Expedition with a Vigor; we hear you have Sent an army against Canaday, to reduce itt, which Army wee wish may have as good Success as that you Sent against Cape Breton, in ashurance of our Sinclear wishiss for y^e Sucksess over all your & our Enemys, we present you this String of Wompom, & remains y^e Everlasting Brothers,

CONAGARESA,
SUNATHOAKA,
KINNERA.

Indorsed—To the Hon^{ble} George Thomas Esq^r., Lieutenant Governor of the Province of Pennsylvania, Philadelphia. L^r from the Indians, dated 16th May, 1747, an Indian Nation on the Borders of Lake Ery. Conajachrera, in English a Broken Kettle, Conaroya. Read in Council, 8th June, 1747.

GEO. CROGHAN TO R. PETERS, 1747.

Sr: May y^e 26th, 1747.

I am Just return^d from the Woods, and has brought a Letter, a French Scalp, & some Wompom, for y^e Governor, from a part of y^e Six Nations Ingans, That has there Dwelling on y^e Borders of Lake Arey, and Not being able To go Down My Self so Soon, after such a Long Journey, I have forthwith Sent itt by the Bearer, in hopes that it may reach to y^e Governer hands before he seats. Those Ingans ware always in the French Intrest till now, Butt This Spring, allmost all the Ingans in the Woods, have Declared against y^e French, & I Think this will be a fair Opertunity, if purshued by some Small Presents, to have all y^e French Cut off in them parts, for the Ingans are very much Led by Any Thing that will Tend to their own self Intrest, and will think a Great Dail of a Litle powder & Lead att this Time, besides it will be a Mains of Drowing them, that has nott yett Joyn^d.

Sr,

I remain with respect,
y^r humble Servant to Comm^d,
GEORGE CROGHAN.*

P. S. Sr, if there be any answer to be sent to Those Ingans, you will please to Lett me know by y^r bearer, for I will Send back Directly for Some of my Skins that I Left behind.

Indorsed—George Crogan's Lre, accompanying a Lre from the Ingans, an Indian Nation on Lake Ery, dated 26th May, 1747.

PRESBYTERIAN SYNOD OF PHILA., TO GOV. THOMAS, 1747.

To the Honoble George Thomas, Esq., Lieutenant Governor and Commander in Chief of the Province of Pennsylvania, and Counties of Newcastle, Kent and Sussex, on Delaware :

The Humble Address of the Presbyterian Synod of Philad^a, Conven'd at Philadelphia, May 27th, 1747.

May it please Your Honour :

A Sense of the manifold Blessings we enjoy, under the Auspicious Reign of our Gracious Sovereign King George, not only fills our Hearts with Gratitude to the Father of all Mercies, but makes us willing to improve all opportunities of declaring our unfeign'd loyalty, and inviolable Attachment to His Majesties Person and Government, and to the Succession in his Illustrious Family.

For tho' our Lot is ordered in the remotest parts of His Majesties Dominions, yet we daily Experience the benign Influences of his Just & Mild Government; and, among other Instances of his Paternal Care for his Subjects in these Parts, we can't but look on this to be One, his approving such to Govern us, who in Imitation of their Royal Master's Example, take care to maintain the Civil & Religious Rights of Mankind.

This we have largely Experienc'd under Your Honour's Administration, and were it consistent with Your Comfort, we would rejoice at Your continuance in Your present Government; but seeing the hope of Relief from Your Indisposition, by Relaxation from Business, and Change of Climate, has determin'd You to imbark for England, we chearfully embrace this opportunity of our Meeting to return You our sincere and hearty Thanks, for the Countenance and Protection You have upon all Occasions favour'd us with.

We Pray, That the God of all Grace, may take You and Your

Family under his Protection, and grant you a safe & prosperous Voyage.

Sign'd in the Name & per Order of the Synod.

A. McDOWELL, Mod^r.

Indorsed—Address of the Presbyterian Synod to Governor Thomas, dated 27th May, 1747.

SECOND PRESBY'N CONGREGATION TO GOV. THOMAS 1747.

To the Honourable George Thomas Esq^r, Lieutenant Governor of the Province of Pennsylvania, & Counties of Newcastle, Kent, & Sussex upon Delaware,

The humble address of the Consistory of the lately Erected Presbyterian Society In the City of Philadelphia.

May it Please your Honour, We the Consistory of the lately Erected Prebyterian Society In y^e City of Philadelphia, beg leave to Express our sincere & hearty sorrow, for your Honours design'd departure from this Colony & Country.

Were it consistent with your health, we Should Cordially rejoyce, and so far as we know, the Generality of the Province with us, in Your Continuance at the Head of y^e Government over us, a Place which we may truly say, without the sordid paint of flattery, an Evil which we Cannot reasonably be suppos'd in this Instance under any temptation to; You have occupied & adorned to your own Immortal Honour, & the advantage of this Colony.

That Your Genius & Capacity are Equal to y^e honourable & Important Character you have sustaind, has Evidently Appeard to Every unbyas'd mind, from the Course of Your *administration*, & been Generally acknowledg'd by the Intelligent of all Parties.

Nor has your Integrity in Conducting the Publick affairs at all times, & Even through the most Critical & Gloomy Conjunctions been less Conspicuous; Prudence & Justice but temperd with necessary Lenity & Gentleness have shone with Equal lustre in Your *administration*. One additional & peculiar Glory of which, is Your Zealous Patronizing y^e *Liberty* of all in General, both religious & Civil, agreable to the Just & truly noble Example of our most Gracious *Sovereign*, & the August British *Senate*, who with abhorrence reject all Coercive measures in matters Purely religious; as a tyrannical Encroachment upon the unalienable rights of mankind.

As *Liberty* of *Conscience* is the Valuable & distinguishing privilege of Every British Subject, So the *Patrons* thereof will be Ever Esteemd & rever'd, by the wise and thinking part of mankind.

This Blessing in Particular loudly Calls for our affectionate acknowledgment to him *by whom Kings reign, and Princes decree Justice*. To him therefore we would Essay to render, the tribute due from Gratefull hearts, & to You Sir, the Happy Instrument under him of Conveying them to us, Our Sincere & publick thanks.

Your Regard Has not been Confin'd to any Party, an Evil which men of narrow minds & Little observation are subject to, but Generously Extended to all of Every denomination, whom you Judg'd On account of any Valuable Endowment, worthy of Esteem & respect.

Nor has your Charity been less diffusive; a sufficient evidence of which is your annual donation, for the Relief of the Poor, in different Societys in this City.

Permit us, Honoured Sir, to Express the Sentiments of undisguis'd affectionate Gratitude, for your kindness to such as are of Our denomination In General, & to Our Society in Particular!

That Almighty GOD may Graciously restore you to health, Carry you in due Season to your desired Port, & Confer all other needful blessings, for time & Eternity on your Self, your Good Lady & family is Our Earnest Desire & Prayer.

Sign'd by Order of the Consistory,

GILB'T TENNENT,

V. D. M.

Philadelphia, May 29, 1847.

Indorsed.—The address of the Consistory to Governor Thomas,*
29th May 1747.

CAPT. PERRY, TO R. PETERS, 1747..

Albany, May 31st 1747.

Sir:

We received your kind favour dated y^e 7th Instant, not till the 28th, and are extremely obliged to you in procuring from his Honour, separate Certificates or Commissions for each Officer: A Cappy of our former we have inserted in a Letter that Cap^t Deimer writes you by this opportunity.

As we remain in the same uncertainty with you, what is doing at home for this intended expedition, you cannot Expect any thing New from these Parts, it would be troubling you with too long a detail to give a perticular Account of the difficulty we have had in keeping our Men so long together as to the 26th Aprill, since which we have had about 130 Men deserted, which we hear are now in Pennsylvania, we should have sent a proper Officer there in Order to have taken up as many as could have been come at, but as the spirit of

* Gov. Thomas retired May 29th, when Anthony Palmer, as oldest member of Council, succeeded him, and continued till Gov. Hamilton arrived, in Nov. 1748. See Col. Rec. Vol. V., p. 67.

Mutiny & Desertion is still among those that are remaining, it has been as much as all of us could do to prevent the rest following, and indeed from the Present appearance of affairs we cannot tell whether it would answer the Expence that would attend the taking up & bringing them back to their Quarters again. We write to you in this affair as a Gentⁿ that has always shewn a sincere regard & Friendship for us, & therefore can freely communicate our sentements to ye. We hope that this will not be look'd upon as a Coolness in us for his Majesty's service, nor be interpreted any way unfavourable, as we shall shew our readiness in procuring those Deserters at any rate, if this Expedition is likely to go on, in the mean time we make no doubt there will be all the pains Necessary taken in Pennsylvania to secure those Men, or prevail upon them to return to their Duty, we are well assured of your good Will on this Occasion, as we have had many Instances of your friendship. We shall be Extreemly Obligated to you at your Leisure to give us your sentements upon our Present Circumstances, or any News you may have to Communicate to us, which will greatly add to the favours we already have received.

As the other Captains are now Absent, and the sloop just agoing, I beg leave to Conclude for them with my due regards, & believe me to be,

Dear Sir, Sincerely,

Your most Obliged hum^b Serv^t.

SAMUEL PERRY.

P. S. In the Body of our Present Certificates you will see that his honour was pleased to insert that we Entered into his Majesty's service on the 4th of June, and has dated those Certificates or Commissions on the 1st of Sep^r; As we Rank in this little Army according to the dates of our Present Commissions, several Captains are above us that have not been so long in the service, nor had their Companys Compleated so soon, as you are senseable we were most of us full in July last. As we expect his honour will have left Pennsylvania before this reaches you, we beg leave of you to Act for us in this affair as you see fit.

Indorsed.

Lre from Captⁿ Perry, dated 31st May, 1847.

GOV. SHIRLEY TO PRESIDENT PALMER, 1747.

Boston, June 1st, 1747.

Sir,

This will serve to inform your Honour, that by Dispatches I have receiv'd from Albany & Northampton, I find that the Indians of the Six Nations are generally engaged in the War against the French of Canada; that divers Parties of 'em are now out, & others daily of-

fering themselves, which is a Point the neighbouring Governments have been labouring to carry ever since the beginning of the War, as a matter of very great & general Concern to the Welfare of all his Majesty's Colonies upon this Continent; & if this Spirit which seems now thoroughly raised, & has been hitherto happily kept up, is cherished & properly manag'd and directed, it may by the blessing of God prove of unspeakable Benefit for the Safety of his Majesty's Colonies in North America. I refer your Honour to an Extract from Col^o Stoddard's* Letter to me for a more particular Account of this Affair; and would observe that Col^o Johnson & Mr Lydius, whose Influence on the Indians has been serviceable in bringing about this great Event, are under such Engagem^{ts} as they are not able to fulfill without proper Supplies from these Governments; and if for want of that the Indians should suffer any Disappointment 'tis more than probable that they will be disgusted at their being left in the Lurch by us, & will fall intirely into the Interest of the French, w^{ch} will be more fatal to these Colonies than any thing that has yet befallen us: Our General Court have intrusted Mr. Lydius with this Affair, and have undertaken to supply him with a considerable Sum for this Service, & he has made his Drafts for the Payment thereof, which will be answered, but the Parties of Indians come so fast upon him & Mr. Johnson to be fitted out for this Service, that what they will receive from this Government will be a very inconsiderable Part of what they are under Engagem^{ts} for, and these Gentlemen seem to apprehend that there is great danger of their being ruined, & the common Cause suffer the greatest damage that we can conceive of, unless they be relieved from these Governments.

Our new Assembly for this Province are now met, & having taken these Matters under Consideration, have voted four thousand Pounds old Tenour to be put into the hands of Col^o Stoddard to be employed in this Service, which together with £3000 before remitted to him in Goods being added to the many Presents which this Government have made to those Indians since the beginning of the War, may justly be esteem'd so large a Proportion of the Charge necessary, in the most effectual manner, to encourage the Six Nations to prosecute this War, that if the other Governm^{ts} in North America would grant proportionable Sums for the same Service, 'tis highly probable that the Success of these Attempts would more than answer our Expence, it being the most likely method to weaken & distress the French at present & to make way for the Reduction of Canada, whenever it may be attempted.

This I write to your Honour at the request of our General Assembly (who are much concerned to have this Affair succeed) as well as from my own earnest desire to promote a Service, in which I think his Majesty's Interest & the safety of his Subjects in these Colonies is so deeply concerned; and therefore I must pray your Honour to

* See it, p. 740.

lay this Matter before your Assembly, & to use your Influence for bringing them to join with us in promoting this matter.

I am with great Regard,

Sir,

Your Honour's most obedient,

Humble Servant,

W. SHIRLEY.*

P. S. I have but a mem^{ts} time to add, as I write this in the field in a Crowd, wth the paper on my knee, y^t I wish you a prosperous Voyage to England, and much health and happiness; being with a most sincere esteem,

Y^{rs}, &c.,

W. S.

The honourable George Thomas, Esq^r.

Indorsed.

Letter from Governor Shirley, by the Post, dated at Boston, June 1st, 1747.

Read in Council 11 June, 1747.

SECRETARY PETERS TO CONRAD WEISER, 1747.

Sir,

I have it in Charge from the Council to send you the Copy of a Letter from Governor Shirley, and of an Extract of Collonel Stoddard's Letter to him, which came enclos'd; and thereupon to ask you what Nation of Indians you think it is that Mr. Johnson & Mr. Lydius have treated with, whether with the Six Nations or with some Mohawks, or some of the Indians who live on the Borders of New England, and how far this is known or approved of by the Six Nations, And what is your Opinion of such Treaties, And whether this Government wou'd not disgust the general Council of the Six Nations at Onondago to be contributing towards the Supply of some one Tribe of Indians who may have enter'd into Contracts of their own heads, without imparting them to the rest of the Indians.

Pray be very particular in your Enquiries what the Indians are doing, & whether they propose to go to Albany this year, or whether any of them come here, not that you are to invite them here, but only to know their Intentions, What are the French doing; and in what parts of America do they intend to make their inroads this Summer? And whether any thing, or what is expected from this

* See Col. Rec. Vol. V. p. 72.

Province, Or whether any thing, and what can be done by this Province for the general Good, or for their own particular Advantage? Intelligence the Indians ought to have, & give them such as you think proper—and demand from them by virtue of the Treaties subsisting between this Province and the Indians, all that they know or have heard? and on your Return give a distinct Account, separating what particularly belongs to the Proprietaries from what may relate to the Province, with your own Sentiments on every Article, that I may lay them before the Council, who place a Confidence in you, & which I am sure you will use with fidelity & the best Judgement you can exercise. At this critical time you will exert yourself & leave nothing unmentioned to extract from the Indians what they know, what they intend to do, & what they have heard of the French Designs, and particularly if they know a Nation on Lake Erie called the Tugans, what number they consist of & what influence they have; for they have sent down to this Government a Scalp & a string of Wampum, & desire a Present of Powder, Lead, &c.

I am,

Your most obed^t Serv^t,

RICHD. PETERS.*

Philad^a, June 13th, 1747.

Conrad Weiser, Esq^r.

Indorsed.

Draught of a L^r to Conrad Weiser, by order of Council, from ye Secretary, dated 13th June, 1747.

REPLY OF CONRAD WEISER TO RICH'D PETERS, 1747.

Honoured Sir:

Yours of the 13th of this instant with the inclosed Copies of Governor Shirley & Col. Stodards, I received this morning, about 5 of the clock, the very moment I was ready to mount my Horse to go to Shamokin. It will be more convenient to ans^r yours after my return for the said place. This farr I know, that the Mohocks are the people Col^l Johnson and Mr. John Henry Lydias engaged in the warr ag^t the French, and among them some young, stragling fellows of the other nations, but not with the public consent of their council or Chiefs. Yet it may be that out of politick, the Six Nation Chiefs may conceal their true intention against the French, or are divided in Council. I am very sure many of them wishes the distruction of Canada, when in the mean time, others have open and very good correspondents with the French. I wish myself at Anontago, I would soon be able to give a very particular account of every thing. I am

* See Col. Rec. Vol. V. p. 73.

still of opinion that the 6 Nations will be engaged in the warr, if they are not altogether now. I cannot say more at present. If you please, assure the Council, that I shall very gladly, and with fidelity Exert myself to ans^r their Expectations. I would say if I could without words, that Mr. Lydias cannot be ruined, he has nothing to loose. But Col. Johnson may; but he has neither wife nor children, and Admiral Warren is his uncle, and the Assembly of New York have supplied their Gov^r, and the Gov^r him. I think from New York we must learn what passes between the said Gentleman and the Indians. I heartily wish the affair well, but let us move with sure steps, and if we see cause contribute handsomely. I must conclude since I am sure of nothing, and remain

Sir, Your very obedient

CONRAD WEISER.*

June the 15, 1747.

Directed.

To Richard Peters, Esquire,
Secretary in
Philadelphia.

Indorsed.

Mr. Weiser's Lre of the 15 June, 1747.

CONRAD WEISER TO RICHARD PETERS, 1747.

Tulpehockin, June the 21, 1747.

Dear Sir :

I having received yours of the 13 instant, a few minutes before I set out for Shamokin, according to your request I Endeavoured to make answer, but did want to see Shickelimy first. This with the inclosed papers, will give you a Clear light, I hope, to the Government of the Circumstances about our good friends the Six Nations. I tooke my rout over Paxton, to go up along the Susquehannah River, being the weather was uncertain, and did not Care to lie out in the woods, having had a touch of a fever for several days past. But as good Providents ordained, I found Shickelimy at the house of Joseph Chambers, in Paxton, with two of his sons and a man of note from the Caineckquon Country, who has been at all the treaties held in^{*}Pensilvania, ever since I am concerned in Indian affairs; for this Province his name is Sca-yenties. He was sent down to acquaint Tocaniadarogan, Shickelimy's Son, that a certain tribe of their nation, had nominated and appointed him one of their Counsellors, and desired him to apply himself to public Business, and to acquaint Shickelimy, and the Indians thereabout, of what passes among the Six Nations. I stayed two days and two nights at Jo-

* See Col. Rec., Vol. V., p. 73.

seph Chambers with the said Indians, discoursed with them, and I entertained in the best manner I could, and what I have Informed of it, I am satisfied it is truth. I omitted things reported but uncertain, ¶ example : "That 300 Indians allied to the Six Nations, living about the lake of Erie, had joined to Cut off all the French traders about that lake, and Else where. That a great number of Tuscaroroes were gone to fight the French in Canada. That the deputies gone to Montreal had in Charge to require the French Governor to disarm all his Indians Employed against the English. If he refuses, to let him know that the 6 united Nations, with their allies, would demolish him as the autor of this War." Seayenties says, no Body knows what the said deputies have in Charge. It is, However, most Certain that the Six Nations are inclined to defend the English. I have informed the Government several times of the mischief some of our people, from time to time, did to the poor Indians. But I dont remember that ever any thing Effectually was done for relief. I desire you will press it on the Counsel, in the best manner you can, to order the Indians Justice done in their Complaint, that they may be satisfied of our true and upright heart towards them, according to what we promise in public treaties. I shall be sick of Indian Affairs If no medium is found to do them Justice. It may happen that some of our people may be served as J. A.* was, which is the only resentment the Indians use, when once satisfied they have to deal with a rogue, and cant get other satisfaction. Let such Grievances be redressed out of the publick Stock at this critical time, rather than suffer the Indians to be wronged, (If no other medium can be found.) I assure you, Sir, I find it very hard sometimes to Excuse the Government, and must hear words entirely disagreeable. I am satisfied the Indians have just reason to Complain at the behaviour of some of our people.

As to the Treaty of Col. Johnson and Mr. Lydias, with the Mohawks, I dislike it, and the Six Nations are offended at the people of Albany because we pay their people with goods against the opinion of the Chief Counsel. If these two Gentlemen had as much Judgment as they have pride, they would never have oyer persuaded the Mohawks into the warr in a privat way, for it may turn out that both their scalps may be taken and carried to Canada. In short, I dont think it proper our Government should Countenance such doings, and I hope the Counsel will not look upon it worthy of their approbation. I have nothing further to trouble you with, but remain

Sir,

your Well known & Obedient

CONRAD WEISER.†

I desire you will be so good as to let Mr. Logan have the perusal of the inclosed. I have not time enough to send him a Copy.

* Probably John Armstrong, See Colon. Rec., Vol. IV., p. 675, &c.

† See Colon. Rec., Vol. V., p. 83.

I arrived last night at my house from Paxton, and was obliged to Hurry of this Information, in hopes to get an opportunity this evening to send it.

Directed.

To

Richard Peters, Esquire,
Secretary

at Philadelphia.

per Leonard Feck.

Indorsed.

Letter from Conrad Weiser dated 21 June, 1747.

PRESIDENT PALMER TO GOV. OF HAVANNA, 1747.

Sir,

Your Excellency's Letter* addressed to Governor Thomas, was deliver'd to me by Captain Mackay; & as it was the unanimous opinion of the Council, before whom I laid it, that your intercession in favor of the Royal Company, for the payment of the 4000 Pieces of Eight, the Ransom of the St. Christopher, should be forthwith made known to the several Persons concern'd, & they be press'd to make the payment with all the Expedition possible. In consequence of this, Their Resolution, I have used all the methods in my Power to prevail with the Persons Interested in the Vessel & Cargo, to do the Justice requir'd, & wou'd have been extreamely glad to have given your Excellency satisfaction on this Subject, but as there are some objections made, & the thing is Litigated in the Court of Admiralty, it is not possible for me to interfere in matters of Right. Such is the English Constitution, that their Laws & Forms will not admit even of the Royal Interposition.

When the affair shall receive a legal determination, I shall do myself the honour of informing your Excellency of the Event, & as much as lies in my Power, promote the Interest of the Royal Company, from my regard to your Excell^{ty}'s Intercession.

Inclos'd is a List of Negroes of which number the four first alledge very strongly that they are free, & as we have more reason to think that what they say may be true, than what the others say, we are willing to comply with their earnest request, to be sent to the Havannah to be tried there; I have therefore ordered Captain Davies to put them into your hands, & if your Excellency on Examination finds they are free, Your Excellency may set them at liberty, if you find they are not free, be pleas'd to return them by Captⁿ Davies, for the use of the Captors. And as we are under the same uncer-

* This Letter is in Spanish;—the substance of it will be found in Colon. Rec. Vol. V., p. 75.

tainty with respect to the others, whose names are set down in the List, be pleased to inform me whether they are free or Slaves, that on your Excellency's Determination, they may be treated according to their respective Conditions.

I am,

Your Excellency's most

humble servant,

ANTHONY PALMER.

Philada. 29th June, 1747.

To his Excellency Don Diego de Penelosa, Lieutent Governor & Commander-in-Chief for his Catholic Majesty at the Havannah.

By Captⁿ George Davis,

In the Brigantine Pompey.

Indorsed—Letter to the Governor of the Havanna, 29th June, 1747. Laid before the Council, & approved 1st July, 1747.

* Copy of a License to Captⁿ Davis to wear a Flag of Truce.

Philada. ss.

By the Honourable Anthony Palmer, Esq^r., President of the Province of Pennsylvania & the Government of the Lower Counties of Newcastle, Kent & Sussex, on Delaware.

To all to whom these Presents shall come, Greeting,

Whereas, I have authorized and appointed, as I do by these Presents authorise and appoint George Davis, Commander of the Brigantine Pompey, to wear & go under a Flagg of Truce, from this Port of Philada., to the City of Havannah, in the Island of Cuba, in order to carry four Free Negroes, Prisoners of War, Subjects of his Catholic Majesty, whose names are as follows, Matthew Jones, Peter Joseph, Peter Martin, Francis Villegass.

These are therefore requiring all & singular whom it may concern, to suffer the said Captain George Davis, with his said Brigantine, Crew & Passengers, to pass freely & quietly without any Let, Hindrance, or Molestation, to the aforesaid City of Havanna, & back to this Port of Philada. Given under my Hand & Seal at Arms, at Philada. aforesaid, this 29th June, in the Twenty-first Year of the Reign of His Majesty, King George the Second, Annoq Domini, 1747.

GOV. SHIRLEY TO PRESIDENT AND COUNCIL, 1747.

Boston, June 29, 1747.

Sir,

This will inform your Honour, that this Government taking into Consideration the great danger which all his Majesty's Colonies in North America are in, (as well as their own particular danger) of being in time destroyed by the French & the Indians under their Influence, without a firm Union between themselves for their mutual defence, and for weakening and destroying the Power of the Enemy, and more especially for driving the French from the Borders of the Province of New York & this Province, have appointed Commissioners to meet in a Congress to be held at New York, on the second day of September next, with such Commissioners as may be appointed by all his Majesty's Governments, from New Hampshire to Virginia inclusively, Then & there to treat & agree upon Measures for encouraging the Indians of the Six Nations vigorously to prosecute their Incursions on the Enemy, as also to agree upon the Method and Proportion of raising Men & Money for carrying on the War, both offensively & defensively, & to project and settle ^{and} Enterprises & Plans of Operation, as the common Interest shall require.

Your Honour will, I doubt not, duly consider the great Importance of this Matter, & represent it in the strongest Light to your Assembly, that they may see not only how deeply his Majesty's Interest in general is concern'd, but that their own particular Safety will be soon much affected by the growing Power of the French, & more especially the hazard there is that they will bring the Six Nations into their interest, in Case they are not forthwith most vigorously & effectually supported by the English, without which it will be but a very little while before the Southern as well as Northern Colonies will be exposed to their Fury; And therefore, I would earnestly recommend it to the several Governme^{ts} separately, to make Provision without delay for the Encouragem^t of the Six Nations, 'till the Congress can be held; This Governm^t having already advanced many large Sums of Money, & still continuing to raise more for this Service. Your Honour will be pleas'd to give me seasonable Advice of the Resolution of your Governm^t on this important Affair.

I am,

Sir,

Your Honours most obedient

& most Humble Servant,

W. SHIRLEY.

The hon^{ble} Anthony Palmer, Esq^r.

P. S. I have this moment the honour of your answer to my Letter to Gov^r Thomas.

Indorsed—Gov^r Shirley's Letter, dated 29th June, 1747, relating to a Congress to be held at New York, 2^d 7ber. Read in Council, y^e 9th July, 1747*.

PRESIDENT PALMER TO MONSIEUR CHASTENOY, 1747.

Sir:

As I have the Honour with the Council, to govern this Province, in the Absence of Coll^o. Thomas, who is gone to England for the Recovery of his Health, Your Excellency's Letter addressed to him, was delivered to me by Cap^t. Rogers.

The enclosed Deposition taken before the Council, will inform your Excellency that the Negroes & Mulatto were not delivered according to your Order, had they been so, you may be assured their Circumstances would have been strictly inquired into, and they returned if not free.

The kind treatment given to the English prisoners brought into your Government, and their being so readily returned, is an agreeable Instance of your Excellency's Humanity. It is owing to the same Disposition in Us, that we have at present no prisoners, to whom it having ever been our practice since the Commencem^t of the War, to send away the French prisoners by the first Opportunity, to such place from whence we judged they might readily get a Conveyance to their own Country, and 'til such Opportunities offered, we have endeavoured to render their misfortune as easy to them as possible.

I wish your Excellency all manner of Happiness, having the Honour to be

Indorsed—Draught of a Let^r to Mons^r Chastenoy, read and approved by y^e Council, 29th June, 1747.†

* See Colon. Rec., Vol. V., p. 83.

† See Col. Rec. Vol. V. pp. 71--8--9.

GOV. GOOCH TO PRESIDENT PALMER, 1747.

Williamsburg, June 30th, 1747.

Sir :

This is to acknowledge the Receipt of your Letter of the 18th Instant, by which you are pleased to acquaint me that the management of Public Affairs in your Province, devolves upon you and the Council during the Absence of Governor Thomas. I heartily wish you an easy Administration, unattended with anxiety or Inquietude, and promise to contribute all in my Power to render it so

You will therefore, I hope, freely command me upon all occasions, wherein you think I can be serviceable to the Government or yourself, and believe me to be, as I am with Sincerity and Respect,

Sir,

your obedient,

humble Servant,

WILL. GOOCH.

Indorsed—S^r Wm. Gooch's Letter to the President, 30th June, 1747.

CONRAD WEISER TO SEC, PETERS, 1747.

TULPEHOCKIN, July 6th 1747.

Sir :

Whether or not you have received mine of the 21st* of last month, I do not know. I did expect to receive a few lines from you in answer to it, to acknowledge the receipt thereof; it was delivered to a labourer at your house Early one Morning before you was up, by Linhard Feck, my neighbour. This Comes to let you know that Shickelimy Came to my house last night on Express, with the following news : That Saristaquoh, a Chief and Captain of Warr of the Oneiders, living on the heads of Susquehanna, had sent down word to Shickelimy that the French had set out from Montreal, with a numerous Army, to make an invasion in the Government of New York, that a Certain Indian, Cantarontie by name, a native of Oneido, had discerted the French near the Lake Chamblain, and Came to Oneido to Inform them of the French design, and that the Oneidos Immediately had sent to Onontago for their assistance, and Called a Counsel of Warr, in which it was unanimously agreed to go to the assistance of Albany, and had sent accordingly to the Indians on Susquehana to Come and meet them in the Mohock's Country, where they would met, *that accordingly 50 men were gone out of Canuhochquag with Saristaquoh, now about 20 days ago, all the men of*

* See page 750.

Oneido were gone together, with the old gray headed man to defend Albany, that the Oneiders had declared Warr in form against the French, and there was no doubt all the Six Nations would do the same, because the Commanding Officer of the French had given orders to his men to spare none of the Six Nations that would Come in their Way, and It was thought he had a design to be revenged on the Mohocks.

Shickelimy further Informs that a party of Albany men, with about 30 of Indians, of the Mohocks and Oneiders, in all about 130 men, had fell in with a French party af about the same number, all Frenchmen, who had but one Indian with them as their guide; an Engagement ensued, the Indians stood neuter and looked at it; the Engagement lasted till night, and begun again in the morning; then the Indians said to Albany people: Brethren, stand still and look at us, and learn how to fight; we will now engage the French, which accordingly they did. The Indians then Came near the French behind the Bushes & trees, and fired one sally, and then took to their hatchets, and put the French to flight Immediately, and Killed a good many of them; the particulars Shickelimy does not know.

That another smal party of French Indians had been pursued near Albany by some of the Mohocks, who killed one of the French Indians. He had told the Mohocks before he died that all the praying Indians had engaged against the English and the Mohocks, the praying Indians being over persuaded by the French.

This is all what I have from Shickelimy at present; he says we may depend upon the truth thereof; he wi'l stay two days with us. He is in great want of provisions; I must assist him with some meal. He seemed to be very glad that the Oneiders are so heartely to assist the English. I have nothing to add, but I pray let me hear of the receipt of this and the former: who am

Sir,

Your very hum^{ble} Sert.

CONRAD WEISER,

I sent this by Mr. Muhlenberg, my son in law, who promised to send it by an Express from his house to you.

Shickelimy gives his respects to you and to his old friend, Mr. Logan, He intends a visit to Phil^{ia} before next fall.

I understand by Shickelimy that the Oneiders will soon send a Captain of Warr down this way to Shamokin, to gather all the Indians, and lead them on against the French.

If this and my former do not agree, I hope I cannot be Blamed in reason. I have informed according to what I had been informed, and I still believe all to be true.

Endorsed—Letter from Conrad Weiser, dated 6th July, 1747, to Richard Peters, Esq., Secretary to the Government, Philadelphia, per Express, Jacob Leser, at the Dutch M^e's, § Brenholds.

GOV. OGLE TO PRESIDENT PALMER, 1747.

Annapolis, July 10th, 1747.

Sir :

I take this opportunity to acknowledge the favour of your Letter acquainting me with your late worthy Governor's embarking for England, & your taking upon you the Administration of the Government, upon which I very heartily congratulate you, & wish you all manner of happiness in your present Station, and shall be always ready, as far as depends on me, to contribute to your ease & Satisfaction, by my endeavours to promote & friendly & neighbourly Correspondence between the two Provinces, so necessary for their mutual happiness. I am with the greatest Sincerity, Sir,

Your most obedient

& humble Servant,

SAM. OGLE.

*Indorsed.*Governor Ogle's L're to the President, dated 10th July, 1747.

CONRAD WEISER TO R. PETERS, 1747.

Sir :

Yours of last week is come to hand per Express from Mr. Muhlenberg. I am glad to hear that both my letters Came to your hand, & are approoffed. Shickelimy went away from my house to Shomokin on the Eight of this Instant. I furnished him with some provision; victuals is very scarce at his place. I gave him ten Bushels of wheat meal, which was as much as he Could Carry; he had two of his Sons with him on horse back; they loaded their Horses with meal and went off well satisfied. I have used them well during their stay. Shickelimy promised to let us know what passes among the Indians Concerning the French and the present warr. I dare say the man is true & Honest. I shall be glad to hear what the president and the Counsel purport to do about the Indians Complaint against J^o Aunen and John Powle. Shickelimy was very much Concerned about it, and did want an answer; he is afeared that no good will Come from it, If the Counsel don't find a remedy for the Indians lost. I for my part am fully Satisfied the Indians Complaint is Just in the mean, let the particulars fall out as they will; when an Indian in his own Judgment thinks him self wronged by Some Body, more Especially by the white people, he will never forgive, and he is apt to revenge himself, and urged to do it by his Country people. John Armstrong, the poor man, had warning

Sufficient to persuad him to do the Indians Justice, but Covetnous prevented him, at last he pay'd to dear for his faults; our people are apt to forget such Exempels The rest I shall leave to you. I Conclude, and remain,

Sir,

Your very humble Serv^t,

CONRAD WEISER.

Tulpehockin the

14 of July, 1747.

Directed.

To Richard Peters, Esquire, Secretary, Philadelphia; per George Graff.

Indorsed.

Mr. Conrad Weiser's Letter to R. Peters, 14 July, 1747.

CURTIS & FINNEY TO PRESIDENT PALMER, 1747.

Newcastle, July 14th, 1747.

Gentlemen:

Yours came to Hand this Morning. We have pursuant to your Hon^{rs} desire, Transmitted the following particulars, which we rece'd by a Vessel which arrived here about 1 o'clock this Morning from Curasoa, by whom we are informed there are no privateers in the Bay, but that they were Chased off the Capes by a Privateer Ship & Brigantine. Being apprehensive of danger from the Express we rece'd from below, we Summoned the Inhabitants, who with great unanimity appeared under Arms. If any thing material occurs you may expect information (with the utmost dispatch) from

Your Hon^{rs} most Obedient Hum^e Ser^{ts},

JEHU CURTIS,*
JNO. FINNEY.

Directed.

To The Hono'ble President & Council
Of Pennsylvania.

Indorsed.

Jehu Curtis's L're to the Presid^t & Council, dated 14th, 1747.

JEHU CURTIS TO R. PETERS, 1747.

Sr:

By a Man of our Town who has been on the Spot, and whom I have examined, I have the following acc^t, viz: That on Sunday, about 4 in the afternoon, about Twenty men, Spaniards, landed at Edmond Listens, from whome they took four Negroes, & rifl^d the House; & from one Heart, a Neighbour, they took one Negroe, and

* See Col. Rec. Vol. V. 89—92. Also page 763.

what goods they could conveniently Carry, but in attempting to force his house, the man got his Gun, and attempted to make some resistance, but upon their firing several shot, (one of which wounded his wife,) and thretning to set fire to the House, he submitted, and then they obliged him to Pilot them through the Woods, in order to find more of the Inhabitants, but he led them through Swamps, and by out ways, till near sun set, when they were tired, and so returned to their boat, saying that it was in vain for the inhabitants to pretend to make any resistance, for their Brig and Sloop was near. This acct I thought, might be some satisfaction to you, and therefore disired the Post to wait a short time, while I writ. I am

Sr,

Your very Humble Servt,

JEHU CURTIS.*

New Castle,
July, 15th, 1747.

Indorsed—Mr. Curtis's Lre to y^e Seceretary, dated 15th July, 1747.

CAPT. TAYLOR TO CAPT. MEDCALF, 1747.

Fancy, July 10th, 1747.

Sir:

I take this oppertunity to let you know his Maj^{ties} Ship, the Fancy, is of here from Cape Breton, in company with the Hynde Sloop of Warr, & as you may know us, shall hoist a Dutch Flagg at the Maine Topmast head, when off here. Pray communicate this to the Governor, with my Compliments, which will oblige

Sir,

Your very humble Servt

POLICARP TAYLOR.

July 20.

Rec^d p^r Jn^e Jacobs, from on board
y^e Fancy, on y^e 19th. of our Capes.†
P. S. 21st, Last night heard much
firing at Sea, after Sun Sett.

We are now going off New York, & so back again along the Coast. Sir, I remember one Capt. Medcalf, lived at Greenwich, I believe you are the same Gentleman, who I should be glad to see, God bless you.

Indorsed—Lre Capt of y^e Fancy Ship of War, to Mr. Metcalf. 18th July, 1747.

* Col. Rec. vol. V, see pages 90-92, 112-120, various depositions respecting this affair.

† This a memorandum written after its receipt.

CONRAD WEISER TO R. PETERS, 1747.

Sir:

Yours of the 17th Instant I received, I am at a Loss to answer it. You are able to Judge by the Information, we had from Time to time of the Indians, which I still believe may be Depended on yet I leave you no room to Complain at my Neglectfulness, I will endeavour to give you my Sentiments about the particular heads, as follows:

1. Col. Johnson and Mr. Lidias, Did not prevail upon the Counsel of the Six Nations to Declare Warr against the French, but only upon some Stragling poor Fellows, to Inlist themselves, and take Service, by taking the Presents, and going to warr with the Mohocks. I am sorry that Governour Shirly is Deceived, but it is Like [although he is a Capable and Honest Gentlemen,] he believes what he wishes to be True, like the rest of our fellow Creatures.

2. I never was afeard of the Six Nations Engageing against the English, but always Doubted whether they would fight the French, yet, when I understood of the Mohocks, when I was with them, and what I read in New York news, that they would fight, and actually has faught the French, I thought all the rest of the Six Nation would now Engage against the French, and perhaps will, but I am well assured, that before they will Engage, they will call in their people that are scattered abroad, and some of them lives above 100, 150 and 200 miles of their Center; Especially, the Sinickers and Cayuikers, who are the most Numerous; the pretended Expedition to Canada, has done a great deal of Hurt. No man is able to Excuse it with the Indians, they call it Down Right Cowardice, that so many Hundreds Dare not venture to go beyond the Inhabited part of the English Settlement, much Less to Invade Canada; an Interpreter must be ashamed to hear them talk of it among themselves, or in familiarity with him, the Indians under value, or Rather make Nothing of our Valour, and think we the English will leave them in the Lurch. At least a ship Load of Goods will not engage them into the warr, If their own Reasons Dont, for they say the English has Goods enough, Let us take the presents, and promise a Great Deal, and Do little, according to the Custom of the white people. I have Conversed with Indians, and with the most politest of them above 33 years now, and have allways had some very famyliar friends among them. I am not deceived in my mind, and I know also very well how they have been Dealt with by the white people, who have frequently learned them to tell Lies in public treaties, and to the Commissioners and Governors that treated with them in particular in a Neighbouring Government.

3. The proposal of sending Commissioners from all the Northern Colonies, is in my opinion very good, It would be of some service, but they Can not believe Col. Johnson and Mr. John Lydias, their Report, that the Six Nations have Engaged in the warr against the French. If they do not Engage before such Commissioners meet

at New York, I am satisfied when the said Gentlemen did give such Information to Col. Stadord, in order to be sent to Governor Shirley, the Six Nations had not Engaged, if they did not know better, and have been to Credulous, which I am apt to believe for Charities sake. They show that their Judgment is under age, but if they knew better, and with Design gave a false Information, I have nothing to say to them, Let the Commissioners that meets at New York, agree to take Crown Point Ford, or do some other act of Valour against the French, that will bring the Six Nations in to warr, not only by word of mouth, as they Hitherto have Done, but by act and Deeds, in the mean time let them be assured that they will be supplied by the English with ammunition, &c.

4. The Indians must have satisfaction made for private Injuries, If we will Deal with them according to our public Treaties, and show that we are what we pretend to be, that is to say, their friends people of Honour and Honesty, the Counsel and Assembly will find a Remedy, I own it will be a Difficult matter to come to the truth in private quarrels, between the white and the brown People, for the former will out swear the very Devil, and the Latter oath is not Good in our Laws, If all Comes to all, Rather than the poor Indians should be wronged, the public ought to make satisfaction, If no Reamedy can be found to prevent it.

5. Olumapies would have Resigned his Crown before now, but as he had the keeping of the public treasure, [that is to say the Counsel Bagg,] Consisting of Belts of Wampum, for which he buys Liquor, and has been Drunk for this two or three years, allmost Constantly, and it is thought he wont Die, so long as there is one single wampum left in the Bagg. Lapapitton is the most Fitest Person to be Successer. He is an Honest, true-hearted man, and has very good Natural Sence, he is also a sober man, between 40 or 50 years of age, he is well Esteemed among his Country people and others, but whether or no he will trouble himself with public affairs, is a Great Question, he has Lived Retired for this several years with his Family.

6. A small present ought to be made to the Indians on the Lake Erie to acknowledge the Receipt of theirs, it may be sent by some Honest Trader, I think George Coughon is fit to perform it. I always took him for an honest man, and have as yet no Reason to think otherwys of him.

At the Conclusion of this, I freely own I have been pretty forward and open, but I hope you will pardon me, for you gave me provocation, otherwise I will argue the point over with you, about the 16th of August next, when I hope to see you in Good Health, who am

Sir,

Your Dutyfull,

CONRAD WEISER.*

Tulpehockin, July, the 20th, 1747.

Indorsed.—Conrad Weiser's Letter, dated 20th July, 1747.

* See Col. Rec. Vol. V. p. 88.

MESSRS. HOLT & KOLLOCH TO SEC'Y, 1747.

Sir:

Y^r favour of the 12th Instant we rec^d in 9 Days from its Date, and are much Concerned that the President and y^r Self Should Have Had the Fatigue of Travelling to New Castle at So Hot a Season of the year, where, Notwithstanding the weather Proved then So Sultry we should (By Divine Permission,) Have Certainly waited upon Him, Had Even a very Short Notice been Given us, that He intended to be there; but not receiving an Answer to the Letter Sent up By Mr Lardner, Nor any Intelligence from Mr Dickensons, to whom we Had also wrote, Concerning the Proposed Time of Meeting. The Blame of that Disappoint^t Cannot be justly Laid to Our Charges; For it Hath been, and Still Continues to be our opinions that the Sooner we, and the gentlemen of the other two Counties, Can meet His Honour, the Surer foundation may be Laid for Setting out with & Continuing in Such Harmony & Affections as may render the Present Administration of this Government Both Easy and Pleasant to the President, and all Persons on whom the Same is Devolved.

Be Pleased to Communicate this to His Honor, to whom Pray also tender Our Humble respects, and if he Concurr with us in Sentiment, we shall readily attend him on any day that He shall appoint after the Great Heats are somewhat abated.

Seven of Our Pilots Have Been, & the rest shall be Furnished with the Printed Proclamations Sent Down to us; But Before they Came to Hand, we Had Exerted Our Selves By virtue of the Commissions we Hold, & the Powers given unto us, to Put in Execution Certain Parts of the Act which Establishes & Enjoins the Keeping of a Military Watch, For the Better Security & Défence of Lewes, &c^c. And in order to Keep the Pilots under due restraint, and that none of them might Pretend Ignorance of the Law of this Govem^t, in that Case made & Provided, we Published some Advertisements at Proper Places, of which the Enclosed is a Copy, and it may, Perhaps, be of Some Service that the Pilots at Philadelphia be Apprized thereof; For if they Transgress within the jurisdictions of the Courts of the Lower Counties, we Shall Endeavour to make them Sensible of it.

If the L^{re} y^o mention to Have Sent us was Committed to the care of any Sussex Inhabitant, Please to acquaint us, and we will severely Reprimand Him for His Negligence. We Now Conclude, Sir,

Y^{re} Humble Serv^{ts},R^s. HOLT,
JACOB KOLLOCK.*Lewes, July 23^d, 1747.M^r Secretary.*Indorsed.*—J^{no} Holts Letter, July 23^d, 1647.

* See Colon. Rec., Vol. V. p. 89 to 94, and 111.

PRESIDENT READING, OF N. J. TO PRES. PALMER, 1747.

Perth Amboy, July the 23^d, 1747.

Sr :

By the death of John Hamilton, Esq^r, the late President of his Maj^s Coun^t for the Province of New Jersey, the Administration of the Governm^t is devolved on me, which gives me an opportunity of offering my Service to your Honour in anything wherein I can in the least contribute to the success of his Majesties Affairs, or be any ways usefull to you.

By the Examination of some persons now in Goal of the City of New York, It appears that Henry Bosworth has been guilty of Counterfeiting the Bills of this Province, and I am Informed that he has been lately apprehended in your Government, and is now in the Goal of Philadelphia. You are sensible that the practice of Counterfeiting money is dangerous to the Commerce of his Majesties subjects, and deserving of the punishment annexed to it, I have Sent the bearer hereof, Samuel Burrows, to wait on you to request that the said Henry Bosworth may be delivered to him, that he may be brought to his tryall in this Province, where the fact of which he is accused is made felony by an Act of our Legislature.

I heartily wish that your Administration may prove happy and easy to you, & Am,

Sr,

Your most

Humb^l Servant,

JNO. READING.*

To the Hon^{bl} Anthony Palmer, Esq^r.

Indorsed.

President Readings Letter to Pres^t Palmer, July, 1747.

Directed.

To The Honourable Anthony Palmer, Esq^r, President of the Council, and Commander in Chief of the Province of Pennsylvania, at Philadelphia.

PRES'T PALMER TO PRES'T READING OF N. J., 1747.

Sir:

I have the honour of yours by the Undersheriff of Middlesex, & am oblig'd to you for your good Wishes & kind offer of Service. I cou'd be glad for your sake, your Province was in such a state as to render the Administration of the Government more agreeable to You. It is, however, happy for the Province that there is now at

* Referred to in Col. Rec., Vol. V. p. 94, 112.

the head of it, a Gentleman of so good a Disposition, & so long an Experience. Your Commands will always be acceptable to me, & I shall be extremely pleased, if I can, at any time, contribute to his Majesties Service, or do You any good Office.

Henry Bosworth was apprehended by a Writ out of the Supreme Court, & has been examin'd by our Chief Justice, Mr. Kinsey, & by him remanded to Bucks Co Goal, & it is at his Instance that I have suspended issuing my Order to the Sheriff of Bucks to deliver Bosworth to Your Messenger, & refer you to his Letter to Chief Justice Morris, for his reasons for desiring this of me.

A French or Spanish Privateer, who had been Cruising between Cape May & Cape Henlopen, had the boldness to mann a Pilot Boat, & to stand so high up the Bay as Bombay Hook, & there plunder two or three of the best Plantations in the Lower Counties. It was a Cape May Pilot Boat, and one Mompton, who was forced to Conduct the Privateers men to the place. The inclosed Deposition of Captain Martin, will likewise shew you that a very large & fine Ship was taken by a Pilot Boat. The Council of this Province, taking this Affair into their consideration, have issued a Proclamation respecting Pilots, one of which I have inclos'd, & the Magistrates of Lewestown, have likewise laid their Pilots under severe Restraints, not to go on board any Vessel, friend or foe, unless the Commander first come ashore. But as all the precautions taken by this Government will not avail, unless you will be pleased to take effectual measures to prevent the Jersey Pilots from going on board Vessels before they know who they are, and to what King they belong. The Council join with me in requesting that you would be pleas'd to take the mischievous Consequences attending the imprudence of Pilots, into your Consideration, & lay them under such Restraints & Penalties, as you shall think most conducive to the Safety of his Majesty's Subjects in your Province,*

Philadelphia,

July 27th, 1747.

The President laid before the Board a Letter from John Reading, Esq., President of the Province of New Jersey, requesting that he would be pleased to cause to be delivered to the Bearer, the Under-sheriff of Middlesex County, in East Jersey, a certain Henry Bosworth, (apprehended in this Province by the Sheriff of Bucks County, by virtue of a Writ that issued out of the Supreme Court at the Instance of the Chief Justice of New Jersey, there being a Charge exhibited against him there for counterfeiting Pieces of Eight,) in order that he may be convicted in that Province, where the Witnesses live, & where the fact was committed, & on considering the same, the President is desired to inform himself of Mr. Kinsey, in what manner Mr. Reading's Request may be best complied with, & to

* See Col. Rec. Vol. v. p. 99, 100, 202.

take this opportunity of informing Mr. Reading of what has been done in this Province, & at Lewes with respect to Pilots, & desiring the Pilots of that Government may be laid under the same, or as effectual Restrictions.

Indorsed.

Copy of President's Letter to the President of New Jersey, Augt, 1747

GOV. CLINTON TO PREST. PALMER, 1747.

New York, 2^d August, 1847.

Sr

Your favours of the 9th & 23^d July, I receivd, the first at Albany, & the latter at this Place. In my meetings with Several of the Nations of Indians, as well far Nations as Mohawks, when at Albany, I could not perceive any dissatisfaction, but on the other hand a hearty unanimity of all of them, to prosecute the War against the French, & their Indians with Resolution, in conjunction with our Forces; so that I must think Mr. Weiser must be imposed on in his information.

I must say that the Insolence of the French Privateer is very notorious, & hope that e're six months, he will make his words good, as to being on the continent; for I have received advice from Gov^r Knowles, that three men of War are cruizing from Long Island to the Capes, at my request to him for protection of this coast, & doubt not but some of them will give a good account of him. I returned from Albany but last week, & have been vastly hurried in getting my Dispatches ready for a London Ship, which was sailing, otherwise should have answer'd yours sooner.

And I am

Sr

Your very humble Serv^t,

G. CLINTON.*

P. S. I beg you will excuse hast.

To the President of the Council at Philadelphia.

Indorsed.

Letter from Governor Clinton to the President—read in Council 17th Augt. 1747.

* See Colon. Rec. Vol. V. p. 89-98.

PETITION FROM CHESTER CO., RESPECTING ROADS.

To the Honourable President and Council of the Province of Pennsylvania.

The Petition of the Subscribers, Comissioners and Inhabitants of the County of Chester in the said Province,
Humbly sheweth :

That Whereas it appears after strict sarch made that there are divers parts of the Kings Road leading from Cobs Creek Bridge to over Chester Bridge, to the line of New-Castle County, not to be found upon Record, or any return thereof made,

Therefore, as well for the Benefit of the Publick as the satisfaction of Privet Persons: Likewise for the Erecting of Bridges & repairing the said High way. We your Petitioners Humbly Crave that you will be pleas^d to take the same into Consideration, and appoint such men as you in your Wisdom shall think proper to lay out such parts of said road as are defieient.

And your Petitioners (as in duty Bound) shall ever Pray.

August the 13th, 1747.

JACOB HIBBERD,
SAMUEL BUNTING,
JOHN GRIFFITH,
JOB HARVEY,
GEORGE WOOD,
THOS. PEARSON,
ISA. PEARSON,
JOHN PASCHALL,
JOHN PEARSON,
GEORGE ASHBRIDGE,

JOHN DAVIS,
JOSHUA THOMSON,
THOMAS CUMMINGS,
JOHN BALDWIN,
JOHN TAYLOR,
DAVID COWPLAND,
JACOB HOWELL, Sr.
JOHN MATHER,
JAMES MATHER,
JOSHUA ASH.

- 17th Aug^t, 1747.

Indorsed.

To the Honourable President and Council, a Petition from the County of Chester—read in Council 17th Aug^t, 1847.*

PETITION OF GEORGE GRAY RESPECTING ROAD, 1747.

To the Honourable, the President and Council, of the Province of Pennsylvania :

The humble Petition of George Gray, Keeper of the lower Ferry over Schuylkill, on the Road from the City of Philadelphia to Chester, and of others, living in the County of Chester, and using the said Road.

* See Col. Rec. Vol. V, pp. 99, 100, 107, 202.

Sheweth,

That the said Road, leading from the South Street of the said City over the said Ferry to Cobb's Creek Bridge near Darby in the County of Chester, has Time out of Mind been the only old and accustomed Road to Darby, Chester, Newcastle and the Lower Counties.

That the Inhabitants of the Townships through which the same Road passes, not doubting its being a recorded Road, have hitherto duly repaired and amended the same, but now being apprized that it either has not been regularly recorded or that the Record thereof cannot be found, so that they are not obliged to repair the same or contribute thereto, the said Road is at present much out of Repair, and growing worse will in the Winter become utterly impassable or dangerous to travel with Horses, Chaises or other Carriages, unless the same be repaired before the ensuing Winter.

That your Petitioners are informed that if the said Road was surveyed and recorded according to Law, the same would and ought to be from Time to Time repaired by the Inhabitants of the Townships through which the same lyes, whereby the same, being a great and much travelled Road would become safe and passable.

Therefore your Petitioners humbly pray the Honourable the President and Council would be pleased to grant an Order or Warrant for surveying the said Road, so that it may be surveyed and recorded, and sufficiently amended and kept in Repair, or that you would please to give such other Order or Warrant concerning the same as the Nature of the Case may require.

And your Petitioners will ever pray, &c.

JOSEPH BONSALE,

GEO. GRAY,

SAMUEL LEVIS,

GEORGE WOOD,

JOHN DAVIS,

JONATHAN PASCHALL,

JOB HARVEY,

THOS. PEARSON,

SAMUEL BUNTING,

WILLIAM HORNE,

Indorsed.

Petition of Geo. Gray, &c., for a Warrant to survey the Road leading from Philadelphia to Chester.

Read in Council 17th Aug^t, 1747.*

SECRETARY PETERS TO PROPRIETARIES, 1747.

Honour'd Proprietors:

By the Command of the President & Council I inclose You a Copy of their Speech to the Assembly, & of the Message sent in Answer to it. The House met the 17th of August & adjourned to the 30th of this Month, after sitting 10 Days, which were taken up

* See Col. Rec. Vol. V. p. 99, 100, 107, 202.

in settling the Loan Office & other Accounts, & making the Provisions mentioned in their Message.

The Council have endeavour'd to state the several matters relating to the publick in their true Light, and in such an one as they conceive all the thinking part of Mankind will see them. The Answer given by the Assembly is no other than was expected, & furnishes one proof more to the good People of the Province that nothing but the Misery attending an actual Invasion will open Men's Eyes.

A Malignant fever has been lurking more or less in Town the greatest part of this Summer, believed to be occasioned by a continuance of hot, close Weather with Easterly Winds. It has not raged with like violence as the Yellow Fever in 1741, but the last week produced something extremely shocking. M^{rs}. Kearsley, young Joseph Turner, Mr. Jesse McCall, Mr. Andrew Hamilton, & Mr. Curry were all attack'd Sunday or Monday, & they all Died & were buried within the week, except Mr. Curry, who is since Dead. Mr. Allen was seized with the Fever on Munday morning, and is in a fair way of Recovery.

There is reason to think by this & other Fevers always shewing themselves first in some or other of the houses about the Dock that this quantity of Filth & Mudd breeds or at least very much contributes to the Malignancy of Distempers. I have it therefore further in Charge from the Council to desire the Proprietaries* will form some Scheme for the speedy removal of this nuisance; Your Regard for the health of the Inhabitants of the City and indeed for your own Interest make it unnecessary to do more than suggest the suppos'd Cause of Infections, or Every other malignity, & will put You on doing what can be done under the Circumstances that place is in.

I am,

Honour'd Sirs,

Your most obed^t h^ble Serv^t.

Philad^a 4th Sep^t., 1747.

Indorsed.

Draught of the Secretaries Letter to the Prop^{rs} by order of Council.

Read in Council 7ber., 1747.

CAPT. JOHN HUSTON TO PRES'T PALMER, 1747.

May it Please Your Honours:

As I am now come by Order of His Excellency, Governor Shirley, to Inlist Men for His Majesties Service, I have herewith laid before you an Extract of a Letter from His Grace, the Duke of New Castle, transmitted to me by Governor Shirley, wherein it is signified that

* See Col. Rec. Vol. V. p. 106, 108, 214.

it is His Majesty's pleasure Governour Shirley should endeavour to compleat the several Regiments at Louisburg from the Americans raised for His Majesty's Service :

And as I have in Charge from His Excellency to wait on your Honours, and to desire you to signify to the Officers of the several Companies raised in this Province to discharge their Men upon Condition that they inlist with me.

Therefore desire that your Honours will Issue such Orders as you shall think will conduce most to the Service of His Majesty, And to compel those Men who have lately deserted from the said Companies to return and Inlist with me, And what Encouragement your Honours shall think necessary to induce them to comply, Shall be punctually observed & performed by

Y^r Honours' most Obedient Servant,

JNO. HUSTON.*

Directed.

To the Hon^{ble}, y^e President & Council for the Province of Pennsylvania.

Indorsed.

Captⁿ Huston's Petition, 7ber, 1747.

GEORGE CROGHAN TO THOMAS LAWRENCE, 1747.

Pensborrow, Sep^r 18th, 1747.

Sr,

Yesterday one of my Men came down from ye Woods and informs me that the Inguns att this side of Lake Eary is Makeing warr very Briskly Against the French, Butt is very impatiant To hear from there Brothers, ye English, Expecting a Present of powder & Lead, which if they Don't gett, I am of Opinion, By the Best Accounts I Can gett, That they will Turn to the French, which will be very willing to make up with them again. Sr, if there be no provision Made for to Send them a present by some of the Traders Directly, Send Me an account by first oportunaty, for if there be Nothing Sent I will not Send out any Goods or Men this year for fear of Danger. Sr, I remain with respects, y^r humble Servant to Comand,

GEORGE CROGHAN.†

P. S. Sr, I will Send you down the thousand weight of Sumer Skins Directly, by first waggon I Send Down, I have Gott 200 pisterens & some beeswax To Send down to you, as you & I was talking of, To Send To Medera.

* See Col. Rec. Vol. V. p. 105.

† See Id. Rec. Vol. V. p. 119.

Directed.

For

Thomas Lawrence, Esq^r,
in Water Street,
Philadelphia.

Indorsed.

Mr. Croghan's L'r to Mr. Lawrence, dated 18th Sept^r, 1747. Read in Council.

COPY OF RICH'D PETERS'S LETTER TO CONRAD WEISER, 1747.

Sir,

By Order of the Council I have enclos'd Extracts of the Council's Speech & the Assembly's Message upon Indian Affairs, and likewise a Copy of the Assembly's Minute wherein they have agreed to give to be laid out for the use of the Indians. You are desir'd to peruse these & to inform the Council in what manner the Sum may be dispos'd of so as best to promote the Service of the Province & be most acceptable to the Indians, taking notice that £30 or £40 of the said sum has been laid out in Powder, Lead, &c., for a Present to go with Mr. Croghan, the Trader, to the Indians seated on Lake Erie.

You will likewise employ your Thoughts on the best method to be taken to give the Indians satisfaction on their Complaints of Injuries done them by the white People, & as you are a Magistrate you may either simply or with some other Magistrate send for & examine the Evidences against the particular Persons whom you know or have heard to be guilty of those vile Impositions upon the Indians & let them be bound over to appear at Court, & on your signifying to the Council what you have done they will give Orders to the Attorney General to draw proper Indictments to be preferr'd at Lancaster.

But Prosecutions, whether with or without Success, will not recompense the Indians for their Losses; these therefore must be repaired some other way.

Pray how many & what Indians are expected to be here, & whether if any come the reparation of Losses sustained by the villainies of White Men, must not be one of the Subjects to be spoke of, & one of the reasons to be assign'd for the Presents?

Must no Message be sent to Onondago to know what will be done this winter? If the Forces raised by the several Colonies at & about Albany shou'd be disbanded, it may be feared that the French will make themselves Masters of Albany, & that their Parties will plunder the Plantations over the Blue Hills in Bucks County; and is there no Interest to be made with the Indians to prevent Depredations in

our Province, which has ever maintained Faith & been exceeding generous to all the Indians, & are determined still to be so?

The Council, apprehensive of Inroads to the West of the Blue Mountains in Bucks County, have made Daniel Broadhead & Moses Dupue Justices of the Peace—Broadhead having already a Captain's Commission, & I hope there is a good Company of Militia there.

There are many more things necessary at this Season to be thought of, in order to be put in execution before the severe Wheather sets in, that will occur to you tho' they don't to me. Consider therefore very seriously & give your Sentiments fully, that the Council may do all in their Power.

I am, &c.

Philad^a, 26 Sep., 1747.

To Conrad Weiser, Esq.

Indorsed.

Draught of Richard Peters's L'r to Mr. Weiser, 26 Sep^r, 1747.*

CONRAD WEISER TO R. PETERS, 1747.

Honoured Sir,

I hope these few Lines will find you in Good Health, as I with my Family are at present, thank God. I thought Good to let you Know that I Intend to Visit Shickelimy, whom I hear has been Sick with the feaver and Ego for many weeks; I Intend to set out about the 5th of next Month, I understand that Olumapies is Dead, but I Cannot say I am sure of it, the Indians about Shomokin have Been Sick with the feaver and Ego very much, one of the people called Moravians, who went up there to make Converts, Died there also, otherways Every thing is quiet among the Indians on Susquehanna River, I will let you Know of my Return, and of what passes among the Indians, If you have any Commands to Shomokin I must have them this week, I have Nothing to add, but Remain

Your Dutyfull,

CONRAD WEISER.

Tulpehokin, the 27th of September, 1747.

Directed.

To Richard Peters, Esquire,

Secretary,

Philadelphia.

Indorsed.

Mr. Weiser's L'r, 27 Sept., 1747.

* See Col. Rec. Vol. V. p. 120.

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ERRATA.

The following typographical errors escaped detection during the progress of printing.

Page 20, on last line of first paragraph, for *reception* read *reception*.

Page 20, on 3d line of 3d paragraph, for *suitable* read *unsuitable*.

Page 63, 8th line from top, for *Remmapecka* read *Pemmapecka*.

Page 69, on 12th line from top, for *Diety* read *Deity*.

For 1681, at the head of the article, read 1687.

Page 132, in the title to the article, for *Assembly* read *Council*.

In the note on page 152, 14th line from bottom, the sentence beginning "I am inclined," should have been marked as a quotation.

Page 165, for *Eward* read *Edward*.

Page 211, in title of the article, for *Kieth* read *Keith*.

Page 227, in title of 2d article, for *directons* read *directions*.

Page 223, for *sivility* read *civility*.

Page 236, (note,) for *Archbishop* read *Bishop*.

Page 237, 12th line from bottom, for *about* read *absent*.

Page 238, title of lower article, for *civlty* read *civility*.

Paging of 241, for 24, read 241.

Page 253, for *God*, in title, read *Gov*.

Page 265, title for N. read A.

Page 331, title of article, for *injuries* read *inquiries*.

Page 562, title, for *Harrison* read *Harris*.

Page 589, for *Fred* read *Ferd*, in the name attached.

Paging of 646, is omitted.